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State of Minnesota

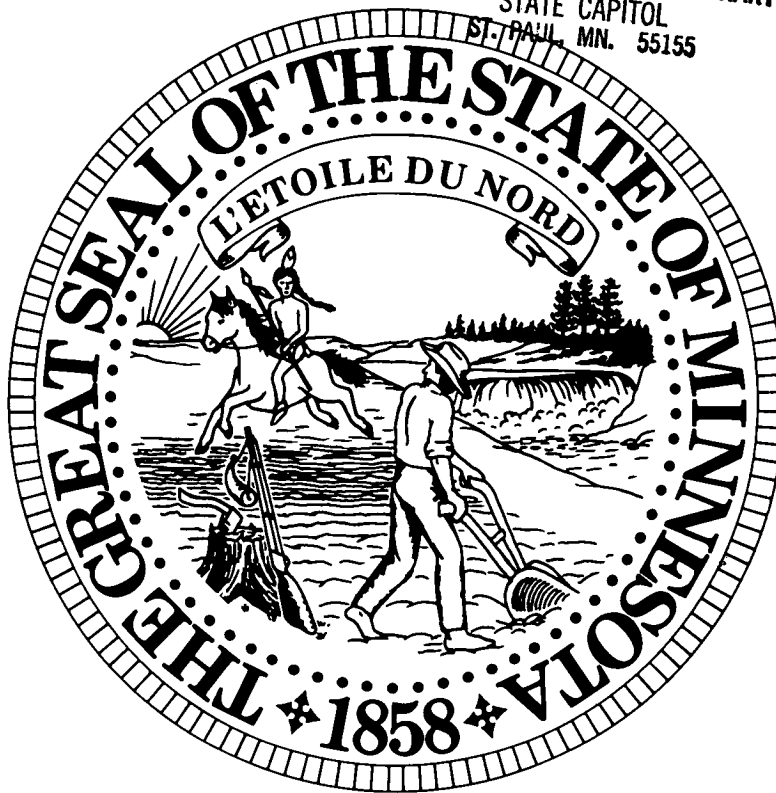
# STATE REGISTER

Department of Administration—Print Communications Division

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Published every Monday

13 February 1989

Volume 13, Number 33

Pages 1955-2026

# STATE REGISTER

## Judicial Notice Shall Be Taken of Material Published in the State Register

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

## Printing Schedule and Submission Deadlines

Vol. 13 Issue Number	*Submission deadline for Adopted and Proposed Rules**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
33	Monday 30 January	Monday 6 February	Monday 13 February
34	Monday 6 February	Monday 13 February	Tuesday 21 February
35	Monday 13 February	Friday 17 February	Monday 27 February
36	Friday 17 February	Monday 27 February	Monday 6 March

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.50 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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## FOR LEGISLATIVE NEWS

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Room 231 State Capitol, St. Paul, MN 55155  
(612) 296-0504

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Contact: House Information Office  
Room 175 State Office Building, St. Paul, MN 55155  
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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*; only the changes made since their publication as **Proposed Rules**. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747.

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# Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Education

### Proposed Permanent Rules Relating to Special Education

#### Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing concerning the proposed rules captioned above will be held at the St. Paul Capitol Holiday Inn on Wednesday, March 15, 1989 commencing at 9:00 a.m. and continuing until all interested persons have had an opportunity to be heard. The rule proposed for adoption would amend current special education rules and add new rules required in statute. A copy of the proposed rule is attached hereto.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make statements. Statements may be made orally and written material may be submitted.

The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Whether or not an appearance is made at the hearing, written material may be submitted to the Administrative Law Judge (ALJ),

Howard L. Kaibel, Jr.  
Administrative Law Judge  
Office of Administrative Hearings  
500 Flour Exchange Building  
310 Fourth Avenue South  
Minneapolis, Minnesota 55415

either before the hearing or within five working days after the public hearing ends. Those statements will be recorded in the hearing record. The ALJ may, at the hearing, order that the comment period be kept open for a longer period not to exceed 20 calendar days. Comments received during the comment period shall be available for review at the Office of Administrative Hearings. The agency and interested persons may respond in writing within three business days after that comment period ends to any new information submitted. No additional evidence may be submitted during the three-day period. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.02, 14.04, 14.36, 14.38, 14.44, to 14.45, and 14.48 to 14.56, and by *Minnesota Rules* parts 1400.0200 to 1400.1200. Questions about the rule hearing procedure may be directed to the ALJ.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

The agency intends to present a summary of the Statement of Need and Reasonableness at the hearing and will answer questions raised by interested persons. You are therefore urged to review the Statement of Need and Reasonableness before the hearing. Additional copies will be available at the hearing.

The Board's statutory authority to adopt the proposed rules is provided by *Minnesota Statutes* 120.17. The Board estimates that there will be no additional costs to local school districts in the state to implement these rules, nor will the rules impact small businesses.

A copy of the proposed rules is attached hereto. Additional copies will be available at the door on the date of the hearing. If you have any questions on the content of the proposed rules, contact: Ann Bettenburg at 816 Capitol Square Bldg., 550 Cedar Street, St. Paul, MN 55101, 612/297-3619.

Notice: Any persons may request notification of the date on which the ALJ's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted or resubmitted to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the ALJ. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the Secretary of State.

*Minnesota Statute* Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including traveling expenses and membership dues, in any one year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5148.

State of Minnesota  
Ruth E. Randall, Commissioner  
Minnesota Department of Education

## **Rules as Proposed**

### **STANDARDS AND PROCEDURES**

#### **3525.0200 DEFINITIONS FOR SPECIAL EDUCATION.**

Subpart 1. **Scope.** As used in parts 3525.0200 to 3525.4700, the terms defined in this part have the meanings given them.

**Subp. 1a. Administrator or administrative designee.** "Administrator" or "administrative designee" means a representative of the school district, other than the pupil's teacher, who is licensed to provide or supervise the provision of special education and who has the authority to make decisions about the appropriateness of the proposed program and who has the authority to commit the responsible district's resources. An administrator or an administrative designee must be in attendance at each IEP meeting and must be identified at the beginning of the meeting.

**Subp. 1b. Assessment or reassessment.** "Assessment" or "reassessment" means an a full and individual educational evaluation of a pupil's performance or development conducted by appropriately licensed personnel in accordance with recognized professional standards and the provisions of parts 3525.2500 to 3525.2800 3525.2850.

**Subp. 2. Days.** "Days" means the days school is in session when used in parts 3525.1100 to 3525.3600. "Days" means calendar days when used in parts 3525.3700 to 3525.4700.

**Subp. 3a. Functional skills assessment.** "Functional skills assessment" means the use of test instruments and assessment procedures to determine current levels of skill development and factors relevant to the emergence of future skills that currently are critical to increased:

A. independence and self-sufficiency in school, home, and community settings;

B. freedom to participate in leisure activities; and

C. postsecondary and other life long learning opportunities.

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## Proposed Rules

Subp. 4a. **Functional skills.** "Functional skills" means skills to increase performance and independence at work, in school, in the home, in the community, for leisure time, and for postsecondary and other life long learning opportunities.

Subp. 6a. **Individual education program plan or IEP.** "Individual education program plan" or "IEP" means a written individualized educational plan annually developed for a pupil. It is based on an assessment of the pupil's performance utilizing licensed personnel, a determination, presenting problems and its effect on learning in appropriate settings. It shall include a description of:

A. the pupil's current level of performance;

B. the pupil's needs determined in a team process;

C. an identification of appropriate goals and objectives;

D. a selection description of teaching strategies special education services designed to enhance learning, delivery of services in an environment which is conducive to learning, and help the pupil accomplish the goals and objectives;

E. a description of the environment in which the services will be provided;

F. a schedule for periodic review; and evaluation of

G. criteria for evaluating the pupil's performance.

Subp. 7a. **Initial formal assessment.** "Initial formal assessment" means the first formal assessment of a pupil provided by the district proposing to conduct the assessment that addresses the specific problems as outlined on the notice to assess in accordance with parts 3525.2650 and 3525.3500.

Subp. 8a. **Initial placement.** "Initial placement" means the first special education placement and provision of instruction and related special education services by the district proposing the placement.

Subp. 8b. **Instruction.** "Instruction" means the action or practice of a teacher.

Subp. 9a. [See Repealer.]

Subp. 9b. **Program or pupil support assistant.** "Program support assistant" or "pupil support assistant" means a district employee who is engaged in direct interaction with one or more pupils for instructional activities, physical or behavior management, or integration purposes under the direction of a regular education or special education teacher. A program or pupil support assistant shall only provide services to a pupil under the direction of a regular education or special education teacher or related services provider. The services must be:

A. to enhance the instruction provided by the teacher or related services staff in the areas of academic instruction, physical or behavior management programs, transition, and other integration activities; and

B. to supplement instructional activities or to provide extended practice in instances in which the support assistant has had training from a special education teacher or related services staff and continues to receive ongoing direction and support from a special education teacher.

The pupil's need for and the specific responsibilities of a pupil support assistant shall be described in writing on the pupil's IEP. A program support assistant is required in an early childhood special education center-based classroom as such classroom is described in part 3525.2335, subpart 2, and may be assigned to level 4, 5, and 6 programs described in part 3525.2340, subpart 2.

Subp. 10. **Nondiscrimination.** "Nondiscrimination" means a requirement that districts shall:

A. comply with ~~the provisions of Minnesota Statutes~~, chapter 363 and not discriminate in any manner in the full use of or benefit from any services rendered by an educational institution because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, or disability; and

B. provide procedures that ensure that, in accordance with recognized professional standards, testing and evaluation materials and procedures ~~utilized used~~ for the purposes of identification, assessment, classification, educational program plan development, educational placement including special education services, program implementation, review and evaluation, notice and hearing are selected and administered so as not to be discriminatory including cultural discrimination. ~~All such~~ The procedures and materials shall take into account the special limitations of handicapped persons and the racial or cultural differences presented by persons and must be justified on the basis of their usefulness in making educational program decisions ~~which will that~~ serve the individual pupil.

Subp. 11a. **Parent or parents.** "Parent" or "parents" means the mother, father, guardian, conservator, or surrogate parent who has been appointed in accordance with parts 3525.2430 to 3525.2455 for a pupil under age 18. For a pupil over age 18, it means the pupil unless a guardian or conservator has been appointed, in which case it means the guardian or conservator. When the parents are separated or divorced, it means the parent who has the legal right, by court decree or agreement, to determine the pupil's education, even though the pupil may be living with the other parent.

Parents whose legal rights have not been terminated but who have not been granted legal custody have the right of access to, and to receive copies of important school records and the right to be informed by school officials about the child's welfare, educational progress, and status, and to attend school and parent-teacher conferences unless otherwise ordered by a court. The school need not hold a separate conference for each parent.

Subp. 15a. **Providing district.** "Providing district" means a district with the responsibility of providing instruction and related special education services to a pupil according to part 3525.0800.

Subp. 16a. **Pupil.** "Pupil" means a ~~handicapped student or other person~~ who is eligible for special education according to Minnesota Statutes, sections 120.03 and 120.17. Students or other persons who are pregnant or chemically dependent and do not have a handicapping condition are not handicapped eligible for special education.

Subp. 17a. **Recognized professional standards.** "Recognized professional standards" means reasonable principles and concepts accepted by acknowledged experts that bear a direct relationship to the particular needs of the pupil.

Subp. 18a. **Regular education program.** "Regular education program" means the normal early childhood, elementary, secondary, or vocational education offerings, including instruction, training, aids, and services in the classroom or other appropriate places.

Subp. 18b. **Related services.** "Related services" means any specially designed services not provided by regular education or special education instruction to meet the unique needs of a pupil to benefit from the educational program. This includes psychological services, social worker services, occupational therapy, physical therapy, audiology, orientation and mobility training, health services, medical services for diagnostic purposes, music therapy, and other similar services.

Subp. 19a. **Resident district.** "Resident district" means the district in which the pupil's parent, as defined by parts 3525.0200, subpart 11a, and 3525.0800, subpart 9, resides; if living, or the guardian, or the district designated by the commissioner as provided in Minnesota Statutes, section 120.17, subdivisions 6 and 8a. It does not mean the district in which a surrogate parent resides. If the parents of the pupil are separated or divorced and both maintain legal rights to determine the pupil's education, but are living in different districts, the district of residence is the district in which the pupil primarily resides for the greater part of the school year.

In those situations when a pupil is placed for care and treatment or foster care by an agency other than the school district, the district of residence is the district in which the pupil's parent resides or the district designated by the commissioner as provided in Minnesota Statutes, section 120.17, subdivisions 6 and 8a. If the parents of the pupil are separated or divorced and both maintain legal rights to determine the pupil's education, but are living in different districts, the district of residence is the district last responsible for education services when the pupil resided with either parent.

Subp. 20a. **Special education.** "Special education" means any specially designated instruction and related services or support services to meet the unique cognitive, affective, or psychomotor needs of a pupil as stated in the IEP.

Subp. 23. **Support services.** "Support services" means any specially designed services ~~which~~ that assist in the delivery of instruction or related services to a pupil. This includes braillists, interpreter services, management aides, transportation, and other similar services.

Subp. 24. **Teacher.** "Teacher" means a person licensed ~~according to under~~ parts 8700.5400 to 8700.5502, or successor rules, by the Board of Teaching to instruct pupils with specific handicapping conditions.

Subp. 25. **Technically adequate instrument.** "Technically adequate instrument" means tests and assessment procedures for which recognized professional standards about construction, validity, reliability, and use have been met.

Subp. 26. **Vocational assessment.** "Vocational assessment" means an ongoing, comprehensive process used to assist the pupil and the team to determine the pupil's strengths, interests, abilities, and needed support to be successful in a vocational setting. A vocational assessment is one component of the ongoing special education multidisciplinary assessment described in parts 3525.2500 to 3525.2850.

## POLICIES

### 3525.0300 PROVISION OF FULL SERVICES.

All Children and youth who are handicapped and who are eligible for special education services based on a full and individual assessment shall have access to free appropriate public education, as that term is defined by applicable law. The special education shall be suited to each child's the pupil's individual needs including the special education appropriate to his or her development

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based on adequate assessment and according to the IEP. All School districts shall provide for such education suitable to students' pupils' individual needs regardless of the severity of the child's pupil's mental, physical, or emotional disability, or other impairment or handicap. The responsibility of the school district is not diminished by the availability of nonpublic schools or other services which may be located within the district.

### **3525.0550 PUPIL IEP MANAGER.**

The district shall assign a teacher who is a member of the pupil's IEP team as the pupil's IEP manager to coordinate the instruction, related and support services for the pupil. The IEP manager's responsibility shall be to coordinate the delivery of special education services in the pupil's IEP and to serve as the primary contact for the parent. A district may assign the following responsibilities to the pupil's IEP manager: assuring compliance with procedural requirements; communication and coordination among home, school, and other agencies; regular and special education programs; facilitating placement; and scheduling team meetings.

### **3525.0650 INTERAGENCY COMMITTEES.**

**Subpart 1. Local participation.** A district shall establish or participate in a local interagency early intervention committee and a local community transition interagency committee. The local committees shall:

A. meet at least quarterly to fulfill the duties prescribed in statute; and

B. report annually when directed to the Department of Education summarizing progress and recommendations.

Operating procedures and progress toward fulfilling the requirements in each statute must be included in the district's total special education plan.

### **3525.0700 PARENTAL INVOLVEMENT.**

Parents of ~~handicapped~~ children with handicaps have a right to be involved by the school district in the education decision-making process by participating at each meeting or being afforded the opportunity to participate. Only by consistent and direct involvement of parents will the school receive sufficient input to design and implement an effective program for the handicapped student. Parents and schools are encouraged to cooperate in an open and objective manner, utilizing periodic conferences when possible so that formal hearings are necessary only when substantive disagreements exist between the parties. School district staff members shall document efforts to contact and involve parents in developing a pupil's IEP including scheduling IEP meetings at a mutually agreed upon time and location. At the time of contact, the district shall inform the parents of their right to bring anyone of their choosing to accompany them to the meeting. The district shall inform the pupil's parents about the alternatives and methods of instruction as described in Minnesota Statutes, section 120.17, subdivision 2.

### **3525.0800 ACCOUNTABILITY RESPONSIBILITY FOR ENSURING THE PROVISION OF INSTRUCTION AND SERVICES.**

**Subpart 1. Pupil's district of residence.** As provided in *Minnesota Statutes*, section 120.17, subdivision 2, the a pupil's district of residence is responsible for ~~maintaining~~ assuring that an appropriate program is provided for all eligible ~~handicapped persons~~ pupils placed by the district's team within the district or in an out-of-district placement regardless of the method or location of instruction utilized used. However, if the handicapped person lives outside of his district of residence under the provisions of *Minnesota Statutes*, section 120.17, subdivisions 6 and 7, the district where the child lives is responsible for providing an appropriate program for the child as set forth in state statutes and parts 3525.0200 to 3525.4700 including the notice and hearing provisions. In such cases the district of residence is responsible for assuming the cost of the educational program. If the districts do not agree on the tuition rate, either district may appeal to the commissioner as provided in *Minnesota Statutes*, section 120.17, subdivision 4.

**Subp. 2. Purchased services.** The district shall not purchase special educational services for a child from a public or private agency when such service is available or can be made available and can be more appropriately provided as the least restrictive alternative within the district. Whenever it is appropriate for a district to purchase special education service for children who are handicapped and who reside in the district, it continues to be the responsibility of the school district, consistent with the provisions of *Minnesota Statutes* and parts 3525.0200 to 3525.4700, to assure and ascertain that such children and youth receive the education and related services and rights to which they are entitled.

**Subp. 3. Initial activities.** The resident district is responsible for the pupil's initial assessment, initial IEP, due process procedures, and initial placement regardless of whether the placement is within the district or outside the district, unless the pupil is placed for care and treatment or through one of the education choice options.

If the team determines that it may be appropriate to consider placement options outside of the resident district, representatives from the outside district, agency, or academy must be invited to attend a team meeting as a participant to complete an appropriate IEP for the pupil including the needs, goals, objectives, services, and placement of the pupil.

**Subp. 4. Resident district responsibilities; out-of-district placement.** If the resident district places a pupil in an out-of-district placement, the resident district is still responsible to assure that an appropriate IEP is developed, that the pupil is placed in the least restrictive environment, and that due process procedures associated with these responsibilities are followed.

It is the responsibility of the providing district, agency, or academy to implement the IEP, conduct periodic and annual reviews, convene and facilitate the IEP team meeting, and assure that due process procedures associated with these responsibilities are followed.

The annual IEP must be developed jointly by the providing district, agency, or academy and resident district. The resident district must, at a minimum, involve a district administrator or an administrative designee according to part 3525.0200, subpart 1a, to assure that the pupil's educational needs and rights are met.

**Subp. 5. Responsibility for disagreements.** The resident district is responsible for resolving disagreements between the pupil's parents and district, including conciliation and due process hearings when the placement has been made by the resident district. If the providing district, agency, or academy receives a request for a conciliation conference or due process hearing from the parent, the providing district, agency, or academy must notify the resident district of the parent's request within 24 hours.

**Subp. 6. Tuition rate appeal.** If the districts do not agree on the tuition rate, either district may appeal to the commissioner as provided in Minnesota Statutes, section 120.17, subdivision 4.

**Subp. 7. Pupils placed for care and treatment.** The educational and financial responsibilities of the resident and providing districts for pupils placed for care and treatment under Minnesota Statutes, section 120.17, subdivisions 6 and 7, are as follow:

**A. District placements:** If the resident district places a pupil for care and treatment, the resident district shall be responsible for providing and paying for an appropriate education program in accordance with part 3525.2320 and this part, either directly or through tuition agreement, and shall also be responsible for the costs associated with care and treatment.

**B. Nondistrict placement:**

(1) When the pupil is placed in a residential facility or foster care by someone other than the resident district, the district in which the facility is located is responsible for providing an appropriate education program as set forth in statutes and parts 3525.0200 to 3525.4700 including the notice and hearing provisions. The resident district is responsible for assuming the cost of the educational program when notified in accordance with Minnesota Statutes, sections 120.17, subdivision 6, and 124A.036.

(2) When the pupil is placed in a day treatment program by an agency other than the resident district, the resident district is responsible for determining the location of the special education services in accordance with the options outlined in Minnesota Statutes, section 120.17, subdivision 6. The resident district shall be responsible for ensuring that an appropriate program is provided in accordance with subparts 4 to 6, including all costs for the education program and any due process proceedings regardless of the method or locations of services selected.

**Subp. 8. Pupils placed through education choice options.** When a pupil is placed outside of the district residence by the parent or pupil for the purpose of education and in accordance with a statutory education choice enrollment act, the resident district shall be responsible for assuming the cost of the education program when notified in accordance with Minnesota Statutes, section 124A.036, subdivision 3. The providing district shall be responsible for assuring that an appropriate program is available for the pupil including the notice and hearing provisions. Responsibility for transportation costs between the pupil's home and the providing school district shall be determined in accordance with Minnesota Statutes.

**Subp. 9. For determination of financial and legal responsibility for pupils 18-21 years of age.** For a pupil who is age 18 through 21 years of age and is receiving special education, the district where the pupil's parents, legal guardian, or conservator lives shall be financially responsible for the cost of the special education program even in those cases where the pupil serves as the parent according to part 3525.0200, subpart 11a, for due process purposes.

#### **APPLICATIONS**

#### **3525.1100 STATE AND DISTRICT RESPONSIBILITY FOR TOTAL SPECIAL EDUCATION PLAN SYSTEM (TSES).**

**Subpart 1. State responsibility for all educational programs for pupils.** The State Department of Education is responsible for ensuring that all requirements in Code of Federal Regulations, title 34, chapter III, and this part are carried out by the local education agencies. Each special education program within the state, including programs administered by any other public agency is under the general supervision of the persons responsible for special education in the State Department of Education.

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This shall be done, in part, by reviewing each district's and program's TSES for compliance. Districts and programs will also be monitored periodically by the Department of Education for their implementation of the TSES and all requirements in Code of Federal Regulations, title 34, chapter III, Minnesota Statutes, and this part.

Subp. 2. District responsibility. ~~Each~~ A district shall submit to the commissioner the district's plan for providing instruction and related services upon request for all pupils as required by *Minnesota Statutes*, section 120.17. The plan may represent the plan of a single district or a plan for ~~all of~~ the member districts of a formal special education cooperative. The plan shall be considered as part of the annual school district application for program review, but will not be required to be resubmitted annually. If a cooperative changes administrative organization, it shall submit a revised plan. The new plan must be submitted ~~prior to~~ before the beginning of the next school year. The plan shall include descriptions of the district's:

A. child study procedures for the identification and assessment of pupils students or other persons suspected of having a handicap beginning at birth that include a plan for receiving referrals from parents, physicians, private and public programs, and health and human services agencies;

B. method of providing the ~~instruction and related~~ special education services for the identified pupils; ~~and~~

C. administration and management plan to assure effective and efficient results of items A and B, including due process procedure assurances available to parents;

D. operating procedures of interagency committees required in statute; and

E. interagency agreements the district has entered.

~~On or before January 1, 1978, and as soon as possible after receiving revised plans,~~ The commissioner shall approve or implement appropriate procedures for modification of the district plan. The commissioner ~~may~~ shall grant the district a reasonable ~~period of~~ time to make necessary modifications ~~of the plan if the commissioner has~~ when the commissioner gets satisfactory assurances of compliance with standards for the education of pupils.

### 3525.1310 STATE AID FOR SPECIAL EDUCATION PERSONNEL.

Salaries for essential personnel who are teachers, related services and support services staff members, directors, and supervisors are reimbursable for the following activities:

A. child find and pupil identification;

B. necessary short-term activities indirect or consultative services that are provided in conjunction with regular education prereferral activities to an individual suspected of having a handicapping condition to determine whether referrals for assessments shall be made;

C. assessment and IEP planning for individual pupils;

D. instruction or related and support services to pupils who have an IEP;

E. necessary follow-up activities after termination from special education;

F. parental involvement and due process;

G. personnel development;

H. special education curriculum development;

I. special education program evaluation;

J. supervision and administration of the total special education system;

K. school psychological services and school social worker services provided alone or in conjunction with the instructional program as outlined in the pupil's IEP; and

L. other related or support services provided in conjunction with the instructional program as outlined in the pupil's IEP.

### FACILITIES AND STAFF

### 3525.1550 CONTRACTED SERVICES.

When contracting for assessments, ~~instruction, or related or special education~~ services, a district shall contract with personnel who hold appropriate licenses issued by the Board of Teaching or State Board of Education. If either board does not issue a license for a necessary ~~related~~ service, the district shall contract with personnel who are members in good standing of professional organizations ~~which that~~ regulate the conduct of its members and set standards for that profession.

### 3525.2310 LENGTH OF SCHOOL DAY.

Pupils with handicaps shall have the same starting and ending times as nonhandicapped students of the same age attending that



school site except when justified and documented in a pupil's IEP. Deviations must be submitted to the commissioner of education for approval.

The commissioner must approve a deviation if:

A. the team has documented an individual pupil's needs as determined by the assessment and IEP process requiring the deviation;

B. the parent, guardian, or pupil, as appropriate, consents to the deviation; and

C. the team considered evidence that a shortened or extended day will provide a more appropriate program for the pupil.

#### **TREATMENT PROGRAMS AND LEVELS OF SERVICE**

##### **3525.2325 EDUCATION PROGRAMS FOR K-12 PUPILS AND REGULAR EDUCATION STUDENTS PLACED IN CENTERS FOR CARE AND TREATMENT.**

Subpart 1. When education is required. The district in which the facility is located must provide regular education, special education, or both to a pupil or regular education student in kindergarten to grade 12 placed in a facility, or in the student's home for care and treatment. Education services must be provided to a pupil or regular education student who is:

A. prevented from attending the pupil's or student's normal school site for 15 consecutive days; or

B. predicted to be absent from the normal school site for 15 consecutive days according to the placing authority, such as a medical doctor, psychologist, psychiatrist, judge, or other court-appointed authority; or

C. health-impaired and in need of special education and predicted by the team to be absent from the normal school site for 15 intermittent days.

A pupil or regular education student shall begin receiving instruction as soon as practicable under treatment conditions.

Special education services must be provided as required by a pupil's IEP, and to the extent that treatment considerations allow the pupil to participate. Number of school days for determining due process procedures shall begin upon enrollment in an education program. Placement for care and treatment does not of itself require special education placement.

For purposes of this part, pupils and regular education students placed in the following facilities by someone other than the district are considered to be placed for care and treatment:

(1) chemical dependency and other substance abuse treatment centers;

(2) shelter care facilities;

(3) home, due to accident or illness;

(4) hospitals;

(5) day treatment centers;

(6) correctional facilities;

(7) residential treatment centers; and

(8) mental health programs.

Provision of special education services requires implementation of all due process safeguards defined in state and federal law. Some procedures are modified to assure the pupil's access to education.

Subp. 2. Education programs for students and pupils and regular education students placed in short-term programs for care and treatment. A placement for care and treatment is a short-term placement if the anticipated duration of the placement is less than 31 school days. The school district must begin to provide instruction to the pupil or regular education student immediately after the pupil or student is enrolled in the education program. The district's procedures must include immediate phone contact with the home school to see if the regular education student has been identified as handicapped.

A. If a regular education student has been identified as handicapped and has a current IEP:

Initial due process procedures for previously identified pupils placed for care and treatment in a short-term facility may be

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accomplished by telephone; however, the required written documentation, including notices, consent forms, and IEP's, must follow immediately. If the pupil has a current IEP in the home school, the home school must give the providing agency an oral review of the IEP goals and objectives and services provided. The providing agency must contact the parents and together an agreement must be reached about continuing or modifying special education services in accordance with the current IEP goals and objectives. If agreement is not reached over the phone, the district shall hold a team meeting as soon as possible. At least the following people shall receive written notice to attend: the person or agency placing the pupil, the resident district, the appropriate teachers and related services staff from the providing district, the parents, and, when appropriate, the pupil. This meeting may be held in conjunction with a meeting called by a placing agency. A copy of the documentation, including the modified IEP, must be provided to the parents with a copy of their rights, including a response form.

B. If a regular education student has not been identified as handicapped or if the providing district cannot determine if a student has been identified as handicapped:

(1) Regular education instruction must begin immediately upon enrollment in the education program.

(2) A screening must be conducted by education staff to determine the student's academic, social, and behavioral needs.

(3) Based on the documented results of the screening, a decision must be made about the need for prereferral interventions or a full special education assessment according to parts 3525.2500 to 3525.2850, based on the providing district's criteria. It is not required that a full assessment be started unless it appears that it can be completed.

(4) During the student's placement, regular education instruction must be provided.

Subp. 3. Education programs for pupils and regular education students placed in long-term programs for care and treatment. A placement made for care and treatment is long term if it is anticipated to extend beyond 30 school days. The pupil or regular education student must receive educational services immediately upon enrollment in the education program:

A. If the student has been identified as handicapped and has a current IEP.

If the education staff of the providing district believes that the pupil's current IEP can be implemented while the pupil is placed for care and treatment, the education staff must contact the parents to secure an agreement to continue to provide special education services according to the IEP. If the parents do not agree with the providing district's proposal, the district shall hold a team meeting as soon as possible.

If the education staff needs additional assessment information or the pupil's current IEP cannot be fully implemented while the pupil is placed for care and treatment, the education staff must:

(1) contact the parents to secure an agreement to provide special education on an interim basis while an assessment is being completed; or

(2) call a team meeting to revise the current IEP or develop a short-term IEP while the pupil is undergoing additional assessment to determine an appropriate program.

B. If the student has not been identified as handicapped or if the providing district cannot determine if the student has been identified as handicapped.

The student entering a residential facility for a long-term placement must be screened to determine if there is a need for a full educational assessment. An assessment must begin with a review of screening and other information such as the parent or student interview, available educational and social history, and the purpose of the treatment placement. The assessment must be conducted according to parts 3525.2500 to 3525.2850.

If the student meets the providing district's entrance criteria for special education, an IEP must be developed. Special education services must be provided by appropriately licensed staff in accordance with the IEP. If the student was not assessed or was assessed and does not meet entrance criteria for special education, regular education services must be provided in accordance with the student's education plan.

Subp. 4. When a student or pupil leaves the facility. If a student or pupil has received an assessment or special education services for 15 or more days, the providing district must prepare an exit report summarizing the regular education or special education assessment or service information and must send the report to the home school, the receiving facility, the parent, and any appropriate social service agency. For a pupil, this report must include a summary of current levels of performance, progress, and any modifications made in the pupil's IEP or services. Record transfers between anyone other than educational agencies and the parent require prior approval of the parents in accordance with data privacy laws.

Subp. 5. Minimum service required. The team must predict how long the pupil or regular education student must be placed for care and treatment. If the prediction is for a restricted period of more than 170 days or its equivalent, exclusive of summer school, the district shall make available the instruction necessary for the student or pupil to make progress in the appropriate grade level for the successful completion of the courses, programs, or classes the student or pupil would have been enrolled in if the

## Proposed Rules

student or pupil were not placed for care and treatment, preferably a normal school day in accordance with part 3525.2310. The district shall make available an average of at least two hours a day of one-to-one instruction unless it is justified in the pupil's IEP or student's education plan that an average of two hours per day is not appropriate.

If the predicted restricted period is fewer than 171 days, exclusive of summer school, the district shall make available at a minimum either small group instruction for one-half of the normal school day or at least one hour a day of one-to-one instruction.

Provision of special educational services for pupils outside of the providing school district's regular calendar is optional unless the pupil has an extended year IEP.

### Subp. 6. Placement, services, and due process requirements for pupils.

A. The IEP developed by the team must include the provisions of part 3525.2900, the location of the special education services, the projected duration of the special education services, and provisions for coordinating the care and treatment and the special education services.

B. The nature of and the restrictiveness of some long-term facilities require the pupils to remain on site. When a pupil's treatment and educational needs allow, integration shall be provided in a regular educational setting. The determination of the amount and site of integrated services must be a joint decision between parents, the treatment and education staff, and when possible final educational placement decisions must be made by the IEP team of the providing educational agency. If the IEP team concludes a pupil can benefit from an average of more than three hours of services, it must, in conjunction with care and treatment center staff, consider the feasibility and appropriateness of an education placement at a regular school site.

C. If a pupil is placed in a residential facility outside the resident district, the providing district must provide appropriate special education services. The placement of the pupil in a residential center for care and treatment outside the resident district is not an initial placement in the receiving district. The providing district shall make every effort to implement the resident district's IEP, making the modifications necessary due to the restrictive care and treatment setting and based on agreements reached with the parent. The providing district shall comply with the due process procedures of parts 3525.2500 to 3525.4700. Districts shall develop alternative procedures for implementing the legal requirements for observing the student in a regular classroom and document previous interventions that have been tried before the student placed for care and treatment is identified as having a learning disability (LD) or an emotional/behavioral disorder (E/BD). These alternative procedures must be included in the district's entrance criteria. The district and facility shall cooperatively develop procedures to be used in emergency situations that comply with the Pupil Fair Dismissal Act according to Minnesota Statutes, sections 127.26 to 127.39, and the district's discipline policy.

Subp. 7. Student's and pupil's and regular education student's placement; aid for special education. Special education services provided to pupils and regular education students who have been placed for care and treatment are reimbursable in accordance with parts 3525.0800 and 3525.1310.

A. When regular education and special education services are provided, only the special education portion shall be reimbursed with special education aid.

B. The special education services provided to pupils in accordance with an IEP are reimbursable.

C. The indirect or consultative services provided in conjunction with regular education prereferral interventions and assessment provided to regular education students suspected of being handicapped who have demonstrated learning or behavioral problems in a screening are reimbursable.

D. Regular education, including screening, provided to students, pupils, and regular education students are not reimbursable with special education categorical aids.

### **3525.2330 REQUIREMENT FOR EARLY CHILDHOOD PROGRAM ALTERNATIVES SERVICES.**

**Subpart 1. ~~Instruction and related~~ Special education services required.** ~~If A district provides permissive shall provide~~ special education to pupils under four years old, the pupils shall be provided instruction and related services in one or more early childhood program alternatives. ~~If pupils are four years old but less than seven to pupils beginning at birth. Pupils who are handicapped and younger than six years old on September 1 of any year; the district shall provide be provided~~ special education services in one or more early childhood program alternatives ~~or in one or more school-age levels of service in part 3525.2340, subpart 2 as determined by the team and written on the IEP.~~

Subp. 2. to 4. [See Repealer.]

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## Proposed Rules

### 3525.2335 EARLY CHILDHOOD CRITERIA FOR ELIGIBILITY AND PROGRAM ALTERNATIVES.

#### Subpart 1. Definition and criteria for eligibility.

A. Early childhood special education must be available to pupils from birth to six years of age who have a substantial delay or disorder in development or have an identifiable sensory, physical, mental, or social/emotional condition or impairment known to hinder normal development and need special education.

B. The team shall determine that a child from birth to the age of two years and 11 months is eligible for early childhood special education if:

- (1) the child meets the criteria of one of the disability categories; or
- (2) the child meets one of the criteria in unit (a) in addition to criteria in units (b) and (c):

(a) The child:

(i) has a medically diagnosed syndrome or condition that is known to hinder normal development including but not limited to cerebral palsy, chromosome abnormalities, fetal alcohol syndrome, maternal drug use, neural tube defects, neural muscular disorders, cytomegalovirus, grades III and IV intracranial hemorrhage, and bronchopulmonary dysplasia (BPD);

(ii) has a delay in overall development demonstrated by a composite score of 1.5 standard deviations or more below the mean on an assessment using at least one technically adequate, norm-referenced instrument that has been individually administered by an appropriately trained professional; or

(iii) is less than 18 months of age and has a delay in motor development demonstrated by a composite score of 2.0 standard deviations or more below the mean on an assessment using a technically adequate, norm-referenced instruments. These instruments must be individually administered by an appropriately trained professional.

(b) The child's need for instruction and services is supported by at least one documented, systematic observation in the child's daily routine setting by an appropriate professional. If observation in the daily routine setting is not possible, the alternative setting must be justified.

(c) Corroboration of the developmental or medical assessment with a developmental history and at least one other assessment procedure that is conducted on a different day than the medical or norm-referenced assessment. Other procedures may include parent report, language sample, criterion-referenced instruments, or developmental checklists.

C. The team shall determine that a child from the age of three years to the age of five years and 11 months is eligible for early childhood special education when:

- (1) the child meets the criteria of one of the disability categories; or
- (2) the child meets one of the criteria in unit (a) in addition to criteria in units (b) and (c).

(a) The child:

(i) has a medically diagnosed syndrome or condition that is known to hinder normal development including cerebral palsy, chromosome abnormalities, fetal alcohol syndrome, maternal drug use, neural tube defects, neural muscular disorders, cytomegalovirus, grades III and IV intracranial hemorrhage, and bronchopulmonary dysplasia (BPD); or

(ii) has a delay in each of two or more areas of development that is verified by an assessment using technically adequate, norm-referenced instruments. Subtests of instruments are not acceptable. The instruments must be individually administered by appropriately trained professionals and the scores must be at least 1.5 standard deviations below the mean in each area.

(b) The child's need for special education is supported by at least one documented, systematic observation in the child's daily routine setting by an appropriate professional. If observation in the daily routine setting is not possible, the alternative setting must be justified.

(c) Corroboration of the developmental or medical assessment with a developmental history and at least one other assessment procedure in each area that is conducted on a different day than the medical or norm-referenced assessment. Other procedures may include parent report, language sample, criterion-referenced instruments, or developmental checklists.

D. If the team determines that a child is eligible for special education services in an early childhood program alternative because the child has a handicap and needs special instruction even though the child does not meet the requirements in item C, the team must include the following documentation in the child's special education file:

- (1) the objective data obtained in the evaluation of the educational functioning which support the presence of the handicap;
- (2) additional data from the child's parents, other agency representatives, and, when appropriate, the student's regular education classroom teachers that support the presence of a handicap and the need for special education;
- (3) documentation of the rationale used by the team to use an alternative criteria to substantiate the presence of a handicap;

and

(4) a sign off by the team members agreeing to the variance decision; for those team members who disagree with the variance decision, a statement of why they disagree and their signature.

**Subp. 2. Program alternatives.** Appropriate program alternatives to meet the needs, goals, and objectives of the pupil must be determined on an individual basis. Choice of specific program alternatives must be based on the pupil's current levels of performance, pupil needs, goals, and objectives, and written in the IEP. Program alternatives are comprised of type of services, setting in which services occur, and amount of time and frequency in which special education services occur. A pupil may receive special education services in more than one alternative based on the IEP.

**A. There are two types of services: services provided directly and services provided indirectly.**

(1) Direct services are provided by a teacher or a related services professional when the services are related to instruction. Direct services occur when a teacher provides instruction directly to the pupil, or to the pupil, parent, or caregiver together in a center-based, home-based, or community-based setting. Direct services occur when a related services professional provides services related to instruction directly to the pupil, or to the pupil, parent, or caregiver together in a center-based, home-based, or community-based setting.

(2) Indirect services include ongoing progress review; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with the pupil to monitor, observe, and follow up. Indirect services may be provided by a teacher or related services professional to another teacher, related services professional, support staff, parents, and public and nonpublic agencies to the extent that the services are written in the pupil's IEP.

**B. There are three types of settings: home, district early childhood special education (ECSE) classroom, and community-based programs.**

(1) Home includes the home of the pupil and parent or relative, or legal family day-care setting in which the pupil is placed. Home is the preferred setting for pupils under age three to receive special education.

(2) District ECSE classroom includes classrooms that are located in one of the district's elementary schools or community center buildings. District ECSE classes must have at least one program support assistant employed while pupils are in attendance. The maximum number of pupils in an ECSE classroom at any one time with a teacher and a program support assistant is eight. The maximum number of pupils in an ECSE classroom at any one time with an early childhood team according to part 3525.2335, subpart 5, is 16. Class size must be adjusted downward based on age, severity of disabilities or delays, and amount of services necessary to meet the IEP goals and objectives.

(3) Community-based programs are any early childhood program classrooms other than an ECSE classroom or district elementary school or community center including early childhood family education, licensed public or private nonsectarian child care programs other than a family day-care setting, licensed public or private nonsectarian early education programs, community cultural centers, Head Start programs, and hospitals.

**C. Amount of time and frequency of special education services must be determined individually and written in the pupil's IEP for pupils who are not yet five years old on September 1. For pupils who are five years old as of September 1, requirements for amount of time and frequency of special education services must be determined individually, written on the pupil's IEP, and be consistent with part 3525.2310. Direct or indirect services must be provided a minimum of one hour every week.**

**Subp. 3. Placement in community-based setting.** A pupil who is already attending or receiving care in the home or a community-based setting may receive special education services directly or indirectly from the school district in the same environment. In those cases when the team determines that an integrated setting is appropriate and the district chooses to place the pupil in a community-based program to receive special education services, the district may contract for that service to meet the instructional needs of the pupil if the community-based program meets State Board of Education rules.

**Subp. 4. Case loads for early childhood program alternatives.** A teacher case load must be adjusted downward based on age, severity of disability or delay, travel time necessary to serve pupils in more than one program alternative, and if the pupils on the teacher's case loads are receiving services in more than one program alternative or the pupil is involved with a number of other agencies. The district shall reduce the teacher-to-pupil case load to the extent necessary to ensure the provision of services delineated in the pupil's IEP. The maximum number of pupils that can be assigned to a teacher in any early childhood program alternative is:

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- A. birth to two years: 12 pupils per teacher;
- B. three to five years: 16 pupils per teacher; and
- C. birth to five years: 14 pupils per teacher.

### Subp. 5. Early childhood teams.

A. A center-based team consists of an ECSE teacher, a program support assistant, and no more than two related services professionals whose combined assignment is equal to that of the teacher. A minimum of one teacher, the program support assistant, and one related services professional must be in a center-based class at all times. The maximum number of pupils that can be assigned to a full-time center-based team is 32. The team's caseload must be adjusted downward based on pupil's age, severity of disability or delay, and amount of services necessary to meet the IEP goals and objectives. Other appropriate related or support services must be provided.

B. A home- or community-based team consists of an ECSE teacher and no more than two related services professionals whose combined assignment is equal to that of the teacher. The ECSE teacher and assigned related services professionals shall function as a team to provide services through consultation, cooperative planning, and implementation of the IEP by meeting a minimum of once every two weeks to plan for the pupil. Direct or indirect services must be provided a minimum of one hour every week with instruction by the ECSE teacher occurring a minimum of once every two weeks. The maximum number of pupils that can be assigned to a full-time home- or community-based team is 24. The teams' caseloads must be adjusted downward based on pupil's age, severity of disability or delay, travel time necessary to serve pupils, and amount of services necessary to meet the IEP goals and objectives. Additional related or support services shall be provided as appropriate.

### 3525.2350 MULTIDISABILITY TEAM TEACHING MODELS.

Subpart 1. **Team staff.** A district may assign ~~one or more full-time~~ than one teacher licensed in different areas or one or more teachers and up to an equal number of full-time related services staff as a team to provide instruction and related services to school-age pupils in a school-age level of service. ~~Other related and support services shall also be provided as appropriate.~~

Subp. 2. **License requirement.** There must be a teacher on the team who is licensed in the disability area of each pupil served by the team.

Subp. 3. **Team member responsibility.** The team member licensed in a pupil's disability shall be responsible for ~~that the~~ the pupil's ~~reassessment~~ assessment, IEP development and coordination, and periodic and annual reviews; ~~and ongoing.~~ At least weekly, consultation and indirect services as defined in part 3525.2340, subpart 2, item B, must be provided to the regular or special education teacher providing instruction if not licensed in the disability. The frequency ~~and progress,~~ amount of time, and documentation of the specific consultation and indirect services shall be included in the pupil's IEP.

Subp. 4. **Implementation.** Pupils may receive instruction and related services from any or all of the team members with appropriate skills. The ~~instruction and related services~~ special education provided by each team member shall be included in the IEP. ~~Team teaching may be implemented in one or more levels of service.~~

Subp. 5. **Case loads.** The total case load assigned to the team shall not exceed the case loads at the appropriate level of service set forth in part 3525.2340, subpart 3, times the full-time teachers and related services staff members assigned to the team. ~~In counting the total case load for the team, case loads for speech and language handicapped and developmental adaptive physical education shall be excluded. An aide or aides shall be a part of the team when designated in part 3525.2340, subpart 3, but shall not be counted when determining case loads for related services staff members. If the team consists of one or more teachers and a related services professional whose assignment is equal to that of the teachers who work together in a program in the same location, the teachers' caseloads may be increased. A pupil or program support assistant may be a part of the team but must not be counted when determining caseloads for the multidisciplinary team.~~

## SURROGATE PARENTS

### 3525.2430 DEFINITION.

A surrogate parent is a person appointed by the providing district to ensure, by intervening on behalf of a pupil, that the rights of the pupil to a free and appropriate education are protected. The surrogate parent shall not be a person who receives public funds to educate or care for the child. However, a foster parent may serve as a surrogate parent if appointed and if no conflict of interest exists.

### 3525.2440 SURROGATE PARENT APPOINTMENT.

The district shall appoint the surrogate parent when:

- A. the parent, guardian, or conservator is unknown or unavailable;
- B. parental rights have been terminated;

~~C. the pupil has reached the age of majority, continues to be eligible for public education, and is not represented by a parent~~ the pupil is a ward of the commissioner of human services; or

~~D. C.~~ the parent requests in writing the appointment of a surrogate parent. The request may be revoked in writing at any time.

#### **3525.2445 CONSULTATION WITH COUNTY ~~WELFARE~~ SOCIAL SERVICES.**

The district shall consult the county ~~welfare~~ social services office before appointing the surrogate parent when a pupil is the ward of the commissioner of human services.

#### **3525.2450 REMOVAL OF SURROGATE PARENT.**

A surrogate parent may be removed by majority vote of the school board. The surrogate parent must be notified of the time and place of the meeting at which a vote is to be taken and of the reasons for the proposed removal. The surrogate parent shall be given the opportunity to be heard. Removal may be for any of the following reasons:

A. failure to perform the duties required in the team meeting and IEP process and those cited in *Code of Federal Regulations*, title 34, section 300, a federal regulation to implement part B of the Education of the Handicapped Act;

B. conflict of interest as referenced in *Code of Federal Regulations*, title 34, section 300.514 (c)(2);

C. actions that threaten the well-being of the assigned pupil;

D. failure to appear to represent the pupil; or

E. ~~change in eligibility for the pupil~~ no longer needs special education.

#### **3525.2470 SUSPENSION, EXCLUSION, AND EXPULSION.**

Subpart 1. **Pupil Fair Dismissal Act.** The Pupil Fair Dismissal Act ~~shall apply,~~ Minnesota Statutes, sections 127.26 to 127.39, applies to all pupils. For the purpose of this part, the definitions in Minnesota Statutes, section 127.27, apply.

Subp. 2. **Team meeting required.** A team meeting shall be held ~~prior to~~ before exclusion or expulsion of a pupil. Within five school days of a suspension, a team meeting shall occur. If a pupil is placed on in-school suspension status according to the district policy for all or part of the day for two or more consecutive days or three times in one month, a team meeting must be held. The team shall:

A. determine whether the misconduct is related to the handicapping condition;

B. review any assessments and determine the need for further assessment; and

C. review the IEP and amend the goals and objectives or develop an alternative IEP program.

Subp. 3. **Exclusion and expulsion.** A pupil ~~may be placed, through a team meeting and the IEP, in a more restrictive alternative but~~ shall not be excluded or expelled when the misconduct is related to the pupil's handicapping condition. When it is determined in a team meeting or a Pupil Fair Dismissal Act proceeding that a pupil's misconduct is related to the pupil's handicapping condition, then the assessment, IEP, and least restrictive alternative shall be reviewed according to ~~the provisions of parts 3525.0200 to 3525.4700.~~

#### **3525.2500 IDENTIFICATION OF HANDICAPPED CHILDREN WHO ARE HANDICAPPED.**

School districts shall develop systems for locating ~~all children persons~~ residing within their jurisdiction who may be handicapped. Those systems shall be designed to identify ~~preschool age handicapped children, handicapped persons who are handicapped beginning at birth, students with handicaps attending school, and persons who are handicapped persons and are~~ of school age who are not attending any school.

The district's identification system shall be developed in accordance with the requirement of nondiscrimination and included in the district's total special education system plan.

### **ASSESSMENT, NOTICE AND HEARING**

#### **3525.2600 FORMAL EDUCATIONAL ASSESSMENT.**

Subpart 1. **Assessment.** An assessment:

A. must be conducted when ~~because of a person's performance in the present educational placement or presenting handi-~~

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## Proposed Rules

capping conditions, he or she is thought by the school district to be in need of possible initiation or change in the student's educational placement or program or special education services as set forth in part 3525.2900, subpart 5 which will provide an educational program, including special education services appropriately suited to the a person's needs are considered by the school district to be interfering with or affecting the person's academic or functional skill acquisition;

B. must be conducted at least every three years as required by part 3525.3100;

C. may be conducted if the parent, student, or other agency requests.

Subp. 2. **Function of the assessment.** The assessment must reflect the person's current level of performance and shall be the basis for later educational planning. The assessment must:

~~A. Be appropriate to the presenting problem and may include observation, evaluation, and testing of the persons intellectual, academic, verbal, emotional, adaptive behavior, sensory, physical, and social development.~~

A. Be conducted by a multidisciplinary team that shall address the following areas of education performance: evaluation of the person's intellectual functioning, academic performance, communicative status, motor ability, vocational potential, sensory status, physical status, emotional and social development, and functional skills. The team shall conduct an in-depth assessment in those areas of suspected disability using technically adequate instruments and procedures.

~~B. Include a review of the person's learning environment and learning modes. When the team determines it to be necessary because of racial, cultural, or other differences presented by the person or due to the nature of the student's presenting handicapping condition they shall make reasonable efforts to obtain information from the parents relating to the student's functioning in his or her total environment.~~

B. Include a review of the person's functioning in current and anticipated environments. The environmental assessments must address classroom performance based on the specific instructional strategies used in the classroom, performance in other daily routine environments, and information reported by parents, classroom teachers, and others involved regularly with the person. Specific instructional strategies include curriculum and curriculum modifications, classroom grouping patterns, and supports such as adaptive devices, materials and equipment available, and staff members.

C. Make reasonable efforts to obtain information from the parents and others with knowledge of the person and about the person's functioning in current and anticipated environments when the team determines it to be necessary because of cultural or other differences presented by the person or due to the nature of the person's presenting handicapping condition.

~~C. D.~~ Be provided and administered in the person's primary language or mode of communication unless it clearly is not feasible to do so.

~~D. E.~~ Be performed in accordance with recognized professional standards which include recognition or accommodation for persons whose differences or conditions cause standardized instruments to be invalid and otherwise in accordance with the requirements of nondiscrimination.

Subp. 3. **Assessment summary report.** For the person assessed, results of any or all assessments shall be summarized in a report. The summary report shall include the reason for referral, summary of instruments and procedures used, results and interpretation of the assessment including the review of the person's functioning in current and anticipated environments, and, the person's current level of performance, and the examiner's judgments and recommendations. The assessment summary report shall contain the examiner's signature, title, and date of report.

### 3525.2700 CONDUCT PRIOR TO THE BEFORE ASSESSMENT.

Subpart 1. Prior to conducting an assessment the district shall: Student performance review. After a referral is submitted and before conducting an assessment, the team shall conduct a review of the person's performance in the following areas: intellectual functioning, academic performance, communicative status, motor ability, vocational potential, sensory status, and emotional and social development. The referral review must be documented and used as the basis to plan the assessment to ensure that the person is assessed in areas of the presenting problems. The referral review shall:

A. Include a review the of any additional screening, referral, or other data about the person and select licensed special education personnel and others as appropriate to conduct the assessment-

~~B. Include on the assessment team including~~ licensed special education personnel and others who may have the responsibility for implementing the educational program for the person.

B. Include a review of the regular education-based prereferral interventions conducted before referral for an assessment. Prereferral interventions are planned, systematic efforts by regular education staff to resolve apparent learning or behavioral problems. The design and outcome of these interventions must be documented.

Subp. 2. **Team duties after review.** Based on the referral review, the team shall:



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## Proposed Rules

~~C.~~ A. Plan to conduct the educational assessment preferably at the home, school, or community setting which the person attends. When the district determines that the assessment or a portion of the assessment cannot be performed utilizing the personnel resources of the district, the district shall make arrangements elsewhere for that portion of the assessment and shall assume all costs for such assessment.

B. Give due consideration to assessment results provided by outside sources but need not implement recommendations unless agreed to by the team.

~~D.~~ C. Arrange to conduct the assessment within a reasonable period of time not to exceed 30 days from the date the district receives parental permission to conduct the assessment or the expiration of the ten day ten-day parental response time in cases other than initial assessment, unless a conciliation conference or hearing is requested.

### 3525.2800 NOTICE BEFORE ASSESSMENT.

Notice before assessment:

#### Subpart 1. When required.

A. Notice before assessment must be provided in accordance with the provisions of parts 3525.3200 to 3525.3500 prior to before conducting a formal an educational assessment or reassessment or when the district receives a parent's written request to conduct a formal an educational assessment or reassessment. In cases where When a district receives a parent's written request to conduct a formal assessment or reassessment, the district shall serve notice of its decision within ten days of their receipt of the written request.

#### Subp. 2. When not required.

B. Notice before assessment is not required for actions which are components of the district's identification system including large group screening, individual student observation within the regular classroom, informal inventories, and consultation between regular and special education personnel.

### 3525.2850 READING AND WRITING ASSESSMENT FOR PUPILS WHO ARE BLIND.

A. Pupils who are blind according to Minnesota Statutes, section 290.06, subdivision 3f, paragraph (4)(c), shall receive a reading and writing assessment at least once every three years to determine whether or not instruction in braille should begin or continue.

B. The reading and writing assessment must be conducted by a multidisciplinary team included in part 3525.2750. The team shall include a teacher who is licensed to teach pupils with visual handicaps and who is knowledgeable about braille as mutually agreed upon between the parents and the district.

C. The following age-appropriate factors shall be considered when conducting a reading and writing assessment to determine whether or not braille instruction must begin or continue:

- (1) reading readiness skills;
- (2) functional reading skills including reading level, print size, reading rate, comprehension, and stamina;
- (3) functional writing skills;
- (4) prognosis of eye condition for change in visual status;
- (5) functional communication skills and primary language of communication;
- (6) functional visual abilities; and
- (7) tactual discrimination.

D. It is recommended that braille instruction for a blind pupil begin under the following conditions if indicated by the assessment unless the team determines otherwise:

- (1) if a multi-disciplinary team determines that a pupil cannot read standard sized print at a normal reading rate, holding it at a normal reading distance, and if the pupil cannot read for a sustained period of time without eye strain; or
- (2) if the multidisciplinary team determines that braille would assist the pupil's academic achievement, transition from school to postsecondary education, training, employment, and community living.

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## Proposed Rules

E. Information about braille reading and writing shall be provided to parents of pupils who are blind. The information shall include a list of resources and advocacy organizations, including consumer organizations, that the parents may wish to contact.

F. Information about braille reading and writing methods must be provided to teachers who will be instructing pupils who use braille reading and writing.

G. The periodic review for a pupil who is blind shall include a review of the pupil's current and anticipated needs. If the review of the pupil's progress in reading and writing does not meet the expectations determined through the IEP goals and objectives, a reading and writing reassessment must be conducted to determine whether braille instruction must begin.

### **3525.2950 SECONDARY TRANSITION PLANNING.**

By grade nine or age 14, the IEP plan shall address the pupil's needs for transition from secondary services to postsecondary education and training, employment, and community living.

A. For each pupil, the district shall conduct a multidisciplinary assessment of secondary transition needs and plan appropriate services to meet the pupil's transition needs. Areas of assessment and planning must be relevant to the pupil's needs and may include work, recreation and leisure, home living, community participation, and postsecondary training and learning opportunities. To appropriately assess and plan for a pupil's secondary transition, additional IEP team members may be necessary and may include vocational education staff members and other community agency representatives as appropriate.

B. Secondary transition assessment results must be documented as part of an assessment summary according to part 3525.2750. Current and secondary transition needs, goals, and instructional and related services to meet the pupil's secondary transition needs must be considered by the team with annual needs, goals, objectives, and services documented on the pupil's IEP.

### **3525.3000 PERIODIC REVIEWS.**

The providing school district shall conduct determine the effectiveness of the pupil's IEP by conducting periodic reviews of the pupil's program plan and shall determine: The IEP team shall address the plan for, location of, and frequency of at least one periodic review and one annual review of the pupil's progress in achieving the prescribed educational goals and objectives and the appropriateness of the program and placement, and if only one periodic review is done, it must not be done at the same time as the annual review the periodic review shall determine:

- A. the degree to which the periodic review objectives as identified in the educational program plan are being achieved;
- B. the appropriateness of the educational program plan as it relates to the ~~student's~~ pupil's current needs;
- C. what modifications, if any, need to be made in the program plan.

The initial review shall be made ~~at the time when~~ specified in the program plan, but at least once a year following placement.

These periodic reviews shall be made by those persons directly responsible for implementing the educational program and by other school district agents as may be needed to ensure an informed and adequate review.

The results of ~~such~~ periodic reviews shall be included in the ~~student's~~ pupil's school records and a copy sent to the parent and to the resident district if different from the providing district. This copy shall inform the parents ~~or~~ and the resident district that they may request a conference to review the ~~student's~~ pupil's program plan at any time and the procedure to do so.

The reviews shall be made in accordance with the requirements for nondiscrimination and recognized professional standards.

### **3525.3100 REQUIREMENTS FOR REASSESSMENT AND FOLLOW-UP REVIEW.**

~~When a pupil is continued in the primary placement in a special education program, the providing district shall conduct an educational reassessment according to the procedures specified in parts 3525.2600 to 3525.2800, at least once every three years.~~

The responsible school district shall conduct a follow-up review of the student's or other person's current performance no later than 12 calendar months after special education services are discontinued to determine if progress is satisfactory.

### **3525.3150 REQUIREMENTS FOR A HIGH SCHOOL DIPLOMA.**

Beginning at grade nine or age 14 and annually thereafter, the IEP team shall address the graduation requirements for a high school diploma for a pupil.

A. The team must determine those courses, programs, or classes that must be successfully completed by regular education students in the regular education program which are needed to attain a high school diploma and are appropriate and attainable by the pupil.

B. The team must determine those courses, programs, or classes which are needed to attain a high school diploma that cannot be successfully attained by the pupil without special education or are not appropriate for the pupil. These requirements must be modified on the IEP or waived by the team.

C. The standard for a pupil's attainment of a high school diploma shall be:

- (1) those courses, programs, or classes identified in item A;
- (2) those modified and waived courses, programs, or classes determined in item B; and
- (3) the pupil's goals and objectives on the IEP.

D. The IEP team shall determine the criteria for satisfactory achievement of the IEP goals and objectives including modified courses, programs, or classes.

A pupil shall receive an identical high school diploma granted to all regular education students upon graduation or termination of special education services at age 21, with satisfactory attainment of the program plan objectives.

### **3525.3300 CONTENTS OF NOTICE.**

~~All~~ Notices must be sufficiently detailed and precise to constitute adequate notice for hearing of the proposed action and contain a full explanation of ~~all~~ of the procedural safeguards available to parents under ~~the provision~~ of parts 3525.0200 to 3525.4700. ~~All~~ Notices must:

~~A. Inform the parents of their right to review and receive copies of all records or other written information regarding their child in the school's possession.~~

~~B. A.~~ Inform the parents of their right and the procedure and time for them to participate as a team member in developing and determining their child's educational program, including special education services ~~and/or~~ and to provide information relative to ~~his or her~~ the child's assessment and the development of the program plan.

~~C. B.~~ Inform the parents of their right and the procedure ~~and time~~ to receive interpretations of assessment or reassessment procedures, instruments and data or results and of the program plan from a knowledgeable school employee and for that conference to be held in private.

~~D. C.~~ Inform the parents of their right and the procedure ~~and time~~ to have included on the team that interprets the assessment data ~~and/or~~ and develops the individual program plans, ~~such person(s) the persons~~ described in part 3525.2900, subpart 1, including a person who is a member of the same minority or cultural background or who is knowledgeable concerning the racial, cultural, or handicapping differences of the student.

~~E. D.~~ Inform the parents that they may:

- (1) Obtain an independent assessment at their own expense.
- (2) Request from the district information about where an independent assessment may be obtained.

(3) Obtain an independent assessment at public expense if the parent disagrees with an assessment obtained by the district. ~~However, a~~ The district may shall initiate conciliation and a due process hearing to show that its assessment is appropriate after at least one conciliation conference. If the final decision is if necessary when refusing a parent's request for an independent assessment at public expense. If the hearing officer determines that its the district's assessment is appropriate, the parents still have the right to an independent assessment, but not at public expense. Whenever When an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria ~~which~~ the district uses when it initiates an evaluation.

~~F. E.~~ Inform the parents that the district will not proceed with proposed actions defined in part 3525.0200, subparts 7 7a and 8 8a, without prior written consent.

~~G. F.~~ Inform the parents that if they object to the proposed action notify the district in writing that they do not agree with the proposed assessment or placement, they will be requested to attend a conciliation conference ~~will be held~~ at a mutually convenient time and place, ~~but that if the parents refuse to attend the conference and the proposed action is not an initial action as defined in part 3525.0200, subparts 7 and 8, the school district will proceed with the proposed action. If this is not an initial assessment or an initial placement being proposed by the district, the district must proceed with its proposal after ten school days of the parent's receipt of the notice and response form unless the parent objects in writing.~~

~~H. G.~~ Inform the parents that if they still object to the proposed action ~~at anytime after the first conciliation conference is convened, they have a right to voice that objection at an impartial~~ do not wish to participate in a conciliation conference they have

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a right to proceed directly to an impartial due process hearing and bypass the informal conciliation conference. Even if they do attend a conciliation conference, if they do not agree with action proposed by the district, they have a right to proceed to a due process hearing. The conciliation process cannot be used to delay or deny the parents' rights to a due process hearing.

~~I. H.~~ Inform the parents that they have the right to be represented by counsel or another person of their choosing at the conciliation conference or the impartial due process hearing.

~~J. I.~~ Include a statement assuring that their child's educational program will not be changed as long as the parent objects to the proposed action, in the manner prescribed by parts 3525.0200 to 3525.4700.

~~K. Include a "response form" on which the parent may indicate their approval of or objection to the proposed action and identify the district employee to whom the "response form" should be mailed or given and to whom questions may be directed.~~

~~L. J.~~ Inform the parents of their right to be represented in preparation of and at the hearing by legal counsel or other representative of their choice.

~~M. K.~~ Inform the parents of their right, in accordance with laws relating to confidentiality, to examine and receive copies of the child's school records before the hearing, including tests, assessments, reports, or other information concerning the educational assessment or reassessment upon which the proposed action may be based.

~~N. L.~~ Inform the parents of their right to call their own witnesses and to present evidence, including expert medical, psychological, and educational testimony and relevant records, tests, assessments, reports, or other information.

~~O. M.~~ Inform the parents of their right to request the attendance of any official or employee of the providing or resident school district or any other person, who may have evidence relating to the proposed action and the manner and time in which to do so.

~~P. N.~~ Inform the parents of their right to present evidence and cross examine any employee of the school ~~district(s)~~ district or other persons who present evidence at the hearing.

~~Q. O.~~ Inform the parents of any free or low cost legal services available in the area.

~~R. P.~~ Inform the parents of their right to have the child who is the subject of the hearing present at the hearing.

~~S. Q.~~ Inform the parents that the hearing shall be closed unless the parents request an open hearing.

~~T. R.~~ Inform the parents that they have a right to obtain a record of the hearing including the written findings of fact and decisions whether or not they appeal.

S. Inform the parents that if a due process hearing is held and the parents' position is upheld, the parents may be awarded attorney's fees by the courts in certain situations.

T. Inform the parents that their consent for their child's program and placement including the use of aversive and deprivation procedures is voluntary and that they may revoke it at any time.

U. Include a response form on which the parents may indicate their approval of or objection to the proposed action and identify the district employee to whom the response form must be mailed or given and to whom questions may be directed.

### 3525.3400 NOTICE ~~BY~~ TO RESIDENT SCHOOL DISTRICT.

The resident school district, if different from the providing school district, shall receive notice of and ~~may be a party to~~ will be responsible for any hearings or appeals provided ~~herein~~ under parts 3525.0200 to 3525.4700 for pupils placed by the resident district if the providing district notifies the parent and the providing school district of its intention to a party within seven days of receipt of notice of the hearing from the providing school district according to part 3525.0800, subpart 5.

### 3525.3500 NOTICE OF PERFORMANCE OR REFUSAL TO PERFORM ASSESSMENT.

~~Prior to~~ Before the performance of or refusal to perform a ~~formal~~ an educational assessment or reassessment as provided ~~for~~ in parts ~~3525-2600~~ 3525.2550 to 3525-2800 3525.2850, the providing school district shall prepare and serve a notice ~~which shall meet that meets~~ the requirements of parts 3525.3200 to 3525.3400. The portion of the notice which is specific to assessment or reassessment shall:

A. include the reasons for assessment or the refusal to assess and how the results may be used;

B. include a ~~general~~ description of areas to be assessed and the procedures to be used;

C. state where and by whom the assessment will be conducted;

D. inform the parents that the district will not proceed with the initial formal assessment as defined in part 3525.0200, without prior written consent of the child's parents; and

E. inform the parents that except for the initial formal assessment, the district shall proceed with the proposed assessment unless the parent objects on the enclosed "response form" or otherwise in writing within ten days after receipt of the notice.

### **3525.3600 NOTICE OF CHANGE OR REFUSAL TO CHANGE EDUCATIONAL PLACEMENT OR PROGRAM.**

~~Prior to~~ Before the initiation or significant change or the refusal to initiate or significantly change a ~~child's~~ pupil's educational placement or special education services, as set forth in part 3525.2900, subpart 5, the ~~providing~~ school district shall prepare and serve a notice ~~which shall meet that meets~~ the requirements of parts 3525.3200 to 3525.3400.

A. The portion of the notice which is specific to the educational placement and provision of services shall:

A- (1) include a copy of the individual educational program plan as described in part 3525.2900, subpart 3;

B- (2) inform the parents that the school district will not proceed with the initial placement and provision of service(s) ~~services~~ as defined in part 3525.0200 without prior written consent of the ~~child's~~ pupil's parents; and

C- (3) inform the parents that except for the initial placement and provision of service(s) ~~services~~, the district will proceed with the proposed placement and provision of service(s) ~~services~~ unless the parents object in writing on the enclosed "response form" or otherwise in writing within ten days after the receipt of the notice.

B. For purposes of this part, a significant change in program or placement requiring a notice to parent and revision of the IEP shall occur when:

(1) the IEP goals have been completed or require modification based on a periodic review;

(2) there is a need to add or delete a service based on a periodic review or assessment;

(3) there is a change in the site or setting in which the pupil receives special education;

(4) the amount of time a pupil spends with nonhandicapped peers is changed; and

(5) the amount of special education to accomplish the goals or objectives needs to be increased or decreased.

### **3525.3700 CONCILIATION CONFERENCE.**

Subpart 1. ~~When a conference must occur be offered. When A conciliation conference must occur:~~ If the parent does not object in writing, to a proposed action as set forth in parts ~~3525.2600 3525.2550 to 3525.2800 3525.2850~~ or part 3525.2900, subpart 5, within 14 days after receipt of the notice, and the proposed action is not an initial action as defined in part 3525.0200, subparts 7 7a and 8 8a, the proposed action shall take place. If ~~such a~~ written objection is made, the ~~providing resident~~ school district shall offer the parent an opportunity to conciliate the matter. If the parent is willing to enter conciliation, the district shall arrange for a conference with the parent ~~for the purpose of reviewing to review~~ the reasons for the proposed action and conciliating the matter. The conference shall be held at a time and place mutually convenient to the parent and the school district representatives and shall be held within ten days after receipt of the written objection. There may be more than one ~~such~~ conference and the parent or district may request a hearing under part 3525.3800 at any time ~~after the first conciliation conference is convened.~~

If the parent refuses to provide prior written consent ~~as set forth in for initial assessment and initial placement under parts 3525.3500, item D, and 3525.3600, item B A, subitem (2),~~ within ten days after the receipt of the notice and response form, the ~~providing school~~ district shall offer the parent an opportunity to conciliate the matter. If the parent is willing to enter conciliation, the district shall arrange for a conference with the parent ~~for the purposes of reviewing to review~~ the reasons for the ~~proposed action, reviewing~~ the parent's suggestions and concerns, and ~~conciliating to conciliate~~ the matter. ~~Each~~ The conference shall be held at a time and place mutually convenient to the parent and school district representatives ~~and the initial. If no response is received in cases of initial assessment or placement, the school district shall offer a conciliation conference shall to be held within ten days after the expiration of the ten-day period for parent response. In cases where the parent fails to attend the initial conciliation conference, the district may choose to offer to schedule additional conciliation conferences.~~

Subp. 2. **Memorandum.** Within seven days of the final conciliation conference, ~~the providing~~ district shall serve the parent with a written memorandum ~~which shall inform that informs~~ the parent:

A. Of the school district's proposed action following the conference.

B. That if they continue to object to the proposed action they have a right to object to the proposed action at an impartial due process hearing and the procedure and time in which to do so, including a "request form" on which the parent may request the

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hearing, and the identification of the district employee to whom the written request form or other written request for hearing should be mailed, and to whom questions and legal documents or requests relating to the hearing may be directed.

C. That if they do not request a hearing on the written "request form" or otherwise in writing pursuant to part 3525.3800 within seven days after receipt of the notice, the district will proceed with the proposed action; unless the proposed action is an initial action as defined in part 3525.0200, subparts 7 7a and 8 8a. In cases of ~~such~~ proposed initial actions, when a parent continues to refuse to provide written permission, the district shall schedule a hearing within seven days after the expiration of the seven days allowed for parent response.

D. That if a hearing is scheduled, the district shall send a notice describing the rights and procedures available to the parents relative to the hearing.

**Subp. 3. Right to a hearing without conciliation.** The conciliation process must not be used to deny or delay a parent's right to a due process hearing. If the parent refuses efforts by the district to conciliate the dispute with the school district, the district's obligation to offer an opportunity for conciliation is satisfied.

When the parent refuses efforts by the district to conciliate the dispute and notifies the district of the intent to go to an impartial due process hearing, the district must provide the parent with the procedure and time in which to request the hearing, and the identification of the district employee to whom the written request form or other written request for a hearing must be mailed, and to whom questions and legal documents or requests about the hearing may be directed.

### 3525.3800 WHEN A HEARING MUST BE HELD.

A hearing regarding a proposed action ~~as set forth in under~~ parts ~~3525.2600 3525.2550 to 3525.2800 3525.2850 or part 3525.2900,~~ subpart 5, shall be held whenever the ~~providing~~ district receives the parents' request for a hearing. ~~This request must be in writing and must be made within seven days after the parents' receipt of the written memorandum pursuant to part 3525.3700, subpart 2. Provided, however, that no parent shall have a right to request a hearing unless at least one conciliation conference has been convened pursuant to part 3525.3700, subpart 4. A~~ The district shall conduct a hearing whenever a parent refuses to provide written permission for the initial formal assessment or the initial placement and provision of special education services, within ten days after the receipt of the notice and response form, provided the district has made at least one offer to enter into conciliation in an attempt to obtain this written consent through at least one conciliation conference.

### 3525.3900 NOTICE OF A HEARING.

Written notice of the time, date, and place of ~~all~~ hearings shall be given to all parties by the ~~providing~~ district at least ten days in advance of ~~such the~~ hearings; and the hearing shall be held at a time, date, and place mutually convenient to all parties.

Within five days of receipt of the parent's written request for a hearing, the ~~providing school~~ district shall serve the parent with a written notice of rights and procedures relative to the hearing ~~which shall inform that informs~~ the parent:

A. That the hearing shall take place before an impartial hearing officer mutually agreed to by the school board and the parent. If the school board and parent ~~are unable to~~ cannot agree on a hearing officer, the school board shall request the commissioner to appoint a hearing officer.

B. That they will receive notice of the time, date, and place of the hearing at least ten days in advance of the hearing which will be held within 30 days after the written request.

C. Inform the parents of the following rights and responsibilities:

(1) of their right to receive a list of persons who will testify on behalf of the district concerning the proposed action within five days of the date the district receives their written request for the list of persons testifying;

(2) of their responsibility, within five days after written request by the school ~~district(s)~~ district, to provide to the ~~district(s)~~ district a list of persons who will testify on the parent's behalf concerning the proposed action;

(3) of their right, at least five days ~~prior to~~ before the hearing, to receive from the ~~providing or resident school~~ district, a brief resume of "additional material allegations" referring to conduct, situations, or conditions which are discovered to be relevant and which were not contained in the original notice or memorandum; ~~and that if such material allegations are not so disclosed, it shall be left to the discretion of the person conducting the hearing to determine if those material allegations may be introduced or considered any party to a hearing has the right to prohibit evidence not disclosed five days before a hearing.~~

D. That at the hearing the burden of proof is on the ~~school~~ district to show that the proposed action is justified on the basis of the ~~child's person's~~ educational needs or ~~his or her~~ the person's current educational performance, or presenting handicapping conditions taking into account the presumption that placement in a regular public school class with special education services is preferable to removal from the regular classroom.

E. That the hearing officer will make a written decision based only on evidence received and introduced into the record at

the hearing not more than 45 days from the receipt of the request for the hearing and that the proposed action will be upheld only upon showing by the school district by a preponderance of the evidence. A proposed action that would result in the ~~child~~ regular education student being removed from regular education program may be sustained only when, and to the extent the nature or severity of the handicap is such that a regular education program would not be satisfactory and the ~~child~~ regular education student would be better served in an alternative program. Consideration of alternative educational programs must also be given.

F. That the decision of the hearing officer is binding on all parties unless appealed to the commissioner by the parent or the ~~providing~~ district.

G. That unless the district and parents agree otherwise, the student shall not be denied initial admission to school and that the student's education program shall not be changed, as long as the parents object to the proposed action in the manner prescribed by parts 3525.0200 to 3525.4700.

#### **3525.4000 HEARING OFFICERS.**

The hearing shall take place before an impartial hearing officer mutually agreed to by the school board and the parents. If the school board and the ~~parent are unable to~~ parents cannot agree on a hearing officer, the school board shall request the commissioner to appoint a hearing officer. The hearing officer shall not be a school board member or employee of the school district where the student or child resides or of the child's school district of residence, an employee of any other public agency involved in the education or care of the child or regular education student, or any person with a personal or professional interest which would conflict with ~~his~~ the person's objectivity at the hearing. A person who otherwise qualifies as a hearing officer is not an employee of the district solely because the person is paid by the district to serve as a hearing officer. If a hearing officer requests an independent educational assessment of a child or regular education student, the cost of the assessment shall be at district expense. ~~All expenses of the hearing, except for the parents' and resident school district's attorney's fees or other expenses incidental to the parent or resident school district participation in the hearing, shall be paid by the providing school district.~~

#### **3525.4100 PREHEARING REVIEW BY THE HEARING OFFICER.**

Subpart 1. **Information received ~~prior to~~ before the hearing.** Five days ~~prior to~~ before the hearing, the ~~person(s)~~ person conducting the hearing shall receive copies of:

A. the ~~providing school district's~~ notice(s) notices and memorandum prepared pursuant to part 3525.3700, subpart 2, to the parents;

B. written information concerning the ~~providing school district's~~ educational assessment or reassessment and copies of any parties' tests, evaluations, or other admissible reports or written information relating to ~~such~~ the assessment or reassessment, or the proposed action;

C. a copy of the ~~student's~~ pupil's current and proposed ~~individual educational program plan~~ IEP; and

D. ~~such~~ other information from the ~~school district(s)~~ district or parent as the hearing officer may have requested at a prior date provided that a copy of ~~such~~ the information is provided to all parties, and further provided that ~~such~~ the information is made a part of the hearing record.

The provisions of items B and C need not apply when the hearing concerns a proposed action ~~as set forth in~~ under parts ~~3525.2600 3525.2550 to 3525.2800~~ 3525.2850.

Subp. 2. **Duties of hearing officers after receipt of the information.** Upon receipt of the information ~~set forth~~ in subpart 1, the hearing officer:

A. shall review the same for compliance with parts 3525.0200 to 3525.4700;

B. may ~~at his or her discretion~~ meet with the parties together ~~prior to~~ before the hearing;

C. may require the ~~providing school district~~ to perform an additional educational assessment or reassessment;

D. may require the ~~providing school district~~ to propose an alternative ~~individual educational program plan~~ IEP;

E. may require the ~~providing school district~~ to send additional notice to the parents;

F. may do ~~such~~ the additional things necessary to achieve compliance with parts 3525.0200 to 3525.4700;

G. may postpone the hearing for up to 15 days to achieve the purposes of this subpart; and

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H. may grant specific extensions of time beyond the 45-day period established in part 3525.3900, item E, at the request of either party.

### 3525.4200 HEARING RIGHTS OF THE RESPECTIVE PARTIES.

The hearing shall be closed unless the parents request an open hearing. The parties shall have the right to representatives of their own choosing, including legal counsel.

At a reasonable time ~~prior to~~ before the hearing, the ~~parent parties~~ or their ~~representative(s)~~ representatives, as the case may be, shall be given access to ~~all of~~ the providing and resident school districts' records and such other records pertaining to the child that are authorized by law to be disclosed, including but not limited to all tests, evaluations, assessments, reports, and other written information concerning the educational assessment or reassessment, conducted pursuant to parts ~~3525.2600~~ 3525.2550 to ~~3525.2800~~ 3525.2850 upon which the proposed action may be based.

At least five days ~~prior to~~ before the hearing the parents shall receive from the school districts, who are parties of the hearing, a brief resume of "additional material allegations" referring to conduct, situations, or conditions which are discovered and found to be relevant to the issues to be contested at the hearing and which are not contained in the original notice or memorandum provided pursuant to parts 3525.3200 to 3525.3600 or part 3525.3700, subpart 2. If ~~such the~~ material allegation or information ~~relating thereto are about the allegation is~~ not so disclosed, it ~~shall be left to~~ the person conducting the hearing to must determine if ~~these the material allegations~~ allegation may be ~~introduced or~~ considered. Within five days after the written request is received, any party shall receive from the other parties a list of witnesses who may be called to testify at the hearing. ~~Such The~~ list must be filed with the ~~person(s)~~ person conducting the hearing. ~~Such The~~ lists may be modified at any time but each party should be notified immediately if possible. ~~All The~~ parties or their representatives, as the case may be, ~~shall~~ have the right to request the attendance of any employee of the school ~~district(s)~~ district, or any other person who may have evidence relating to the proposed action, and to confront, and to cross examine any ~~such~~ witness. Any ~~such~~ request must be made to the appropriate school district or to the person whose attendance is requested at least five days in advance of the hearing. ~~Such The~~ written requests shall also be filed with the ~~person(s)~~ person conducting the hearing at the time of hearing.

If the person conducting the hearing determines at the conclusion of the hearing that there remain disputes of fact which, in the interest of fairness and the child's educational needs, require the testimony of additional witnesses, or if the hearing officer concludes that alternative educational programs and opportunities have not been sufficiently considered, ~~he or she the hearing officer~~ may continue the hearing for not more than ten days, for the purpose of obtaining the attendance of ~~such~~ witnesses or considering ~~such~~ alternative programs and opportunities. The parties' right to cross examination and confrontation and other applicable rights and procedures ~~set forth herein~~ shall continue and be given full force and effect.

### 3525.4300 HEARING PROCEDURES.

The hearing officer shall preside over and conduct the hearing and shall rule on procedural and evidentiary matters, and ~~his or her the hearing officer's~~ decision shall be based solely upon the evidence introduced and received into the record. The ~~school district(s)~~ district shall bear the burden of proof as to all facts and as to grounds for the proposed action. One purpose of the hearing is to develop evidence of specific facts concerning the educational needs, current educational performance, or presenting handicapping conditions of the person as it relates to the need for the proposed action. Consistent with the rights and procedures ~~set forth herein in parts 3525.3300 to 3525.4700~~, nothing in ~~these rules shall limit parts 3525.0200 to 3525.4700 limits~~ the right of the hearing officer to question witnesses or request information.

A tape recording, stenographic record, or other record of the hearing shall be made, and if an appeal is filed ~~pursuant to~~ under parts 3525.4600 and 3525.4700, the hearing ~~shall must~~ be transcribed by the ~~providing school~~ district and ~~shall must~~ be accessible to the parties involved within five days of the filing of the appeal.

### 3525.4400 ~~THE DECISION~~ DECISIONS OF THE HEARING OFFICER.

Subpart 1. **Preparation of written decision.** Not more than 45 days from the receipt of the request for a hearing, the hearing officer shall prepare a written decision based on evidence received and introduced into the record at the hearing. ~~Such The~~ decision ~~shall must~~ address itself to subparts 2 and 3.

Subp. 2. **Decisions regarding assessment or reassessment.** The hearing officer may sustain a proposed assessment or reassessment of the person as set forth in parts ~~3525.2600~~ 3525.2550 to ~~3525.2800~~ 3525.2750 upon a showing by the ~~school district(s)~~ district by a preponderance of the evidence ~~which that~~ demonstrates that there are facts, relating to the person's performance in ~~his or her the~~ present education placement or presenting handicapping conditions, which indicate reasonable grounds to believe that the educational assessment or reassessment procedures are justified, as a step toward the possible initiation of or change in the person's educational placement or program, including special education services, which will provide an educational program, including special education services, appropriately suited to the person's needs.



Consistent with the standards, requirements, and principles ~~set forth~~ in statute and parts 3525.0200 to 3525.4700, the hearing officer shall have the authority, based on ~~all~~ the evidence received at the hearing, to modify the proposed assessment or reassessment instruments or procedures ~~in order~~ to ensure compliance with the requirement of nondiscrimination.

Subp. 3. **Decisions regarding educational placement.** Based on an application of the standards, requirements, and principles ~~set forth~~ in *Minnesota Statutes*, section 120.17, subdivision 3a, and in parts 3525.0200 to 3525.4700, the proposed action regarding the person's educational placement or special education services ~~as set forth~~ in part 3525.2900, subpart 3, shall be sustained in whole or in part by the hearing officer only upon a showing of need by the ~~school district(s)~~ district by a preponderance of the evidence. In deciding if the proposed action is to be sustained, in whole or in part, the educational needs of the child shall be determinative. However, there shall be a presumption that among alternative programs of education, that to the maximum extent appropriate, a primary placement in a regular public school class and program with appropriate special education services, is preferable to removal from the regular classroom.

The hearing officer may sustain a proposed action that would result in the child being removed from a regular education program only when, and to the extent that, the nature or severity of the handicap is such that education in the program with the use of special education services cannot be accomplished satisfactorily, and there is indication that the child will be better served with an alternative program or services. This decision shall be made in accordance with the principle of least restrictive alternatives. The hearing officer shall also determine whether the ~~school district(s)~~ district sufficiently considered alternative educational programs including special education services and opportunities and at the hearing, may receive any additional evidence presented by any interested party or person ~~as to~~ about the availability and suitability of reasonable and viable educational alternatives. If the hearing officer concludes that there are no reasonable or viable educational alternatives, the findings shall so state.

Subp. 4. **Local decisions.** ~~All A~~ A local decisions shall decision must:

A. contain written findings of fact, and conclusions of law, including a statement of the controlling facts upon which the decision is made in sufficient detail to appraise the parties and the commissioner of the basis and reason for the decision;

B. state whether the special education services appropriate to the child's needs can be reasonably provided within the resources available to the ~~providing~~ district;

C. state the amount and source of any additional district expenditures necessary to implement the decision; and

D. be based on the standards and principles ~~set forth~~ in *Minnesota Statutes*, section 120.17, subdivision 3a, and subparts 2 and 3.

### **3525.4600 EFFECTIVE DATE OF THE ACTION AND APPEALS.**

The decision of the hearing officer ~~shall be~~ is binding on all parties unless appealed to the ~~commissioner~~ hearing review officer by the parent or the ~~school board where the child resides; district,~~ and shall become effective 15 days after service of the decision unless the decision is appealed. The hearing officer's decision issued ~~pursuant to~~ under part 3525.4400, subpart 2, 3, or 4, may be appealed by the parent or the ~~school board where the child resides~~ district to the ~~commissioner of education~~ hearing review officer within ~~15~~ 30 days of receipt of that written ~~decision(s)~~ decision in the following manner: the appeal decision shall be based on a review of the local ~~decision(s)~~ decision and the entire record; ~~all~~ notices of appeal shall be on the appeal form or otherwise in writing and shall be sent by mail to all parties to the hearing ~~at the time when~~ the appeal is filed.

The school board shall be a party to any appeal. The ~~commissioner~~ hearing review officer shall issue a final decision based on a review of the local ~~decision(s)~~ decision and the entire records within 30 calendar days after the filing of the appeal. A written transcript of the hearing shall be made by the district; the transcript and entire record shall be accessible to the parties and provided to the ~~commissioner~~ hearing review officer within five calendar days after the filing of the appeal. If the transcript and record are not provided to the ~~commissioner~~ hearing review officer within five days of the filing of the appeal, the district shall request an extension of the time beyond the 30-day period equal to the number of days which exceeded the five-day period for filing the transcript and entire record. The ~~commissioner~~ hearing review officer shall seek additional evidence if necessary and may afford the parties an opportunity for written or oral argument; ~~provided any,~~ A hearing held to seek additional evidence ~~shall must be~~ an impartial due process hearing but ~~shall be deemed is not to be~~ a contested case hearing. The ~~commissioner~~ hearing review officer may grant specific extensions of time beyond the 30-day period at the request of any party.

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### 3525.4700 FINAL DECISION.

The ~~commissioner's~~ hearing review officer's final decision ~~shall~~ must be in writing, include findings and conclusions, and be based on the standards ~~set forth~~ in *Minnesota Statutes*, section 120.17, subdivision 3a, and the standards, requirements, and principles ~~set forth~~ in part parts 3525.4400, subparts 2 and 3, and ~~parts~~ 3525.0200 to 3525.4700.

The decision of the ~~commissioner~~ shall be hearing review officer is final unless appealed by the parent or the school board to the district court of the county in which the ~~providing school districts~~ district, in whole or in part, is located. The scope of judicial review shall be as provided in *Minnesota Statutes*, chapter 14.

If the ~~providing school~~ district fails to implement the hearing officer's decision, the parent shall have the right to bring ~~such~~ the failure to the attention of the commissioner. In accordance with ~~the provisions of Minnesota Statutes~~, section 124.15, the State Board of Education ~~may~~ shall impose ~~such~~ sanctions necessary to correct any ~~such~~ failure.

**REPEALER.** *Minnesota Rules*, parts 3525.0200, subpart 9a; 3525.1600; 3525.2300; 3525.2320; 3525.2330, subparts 2, 3, and 4; 3525.2360; 3525.4800; 3525.4900; 3525.5000; 3525.5100; 3525.5200; 3525.5300; 3525.5400; 3525.5500; 3525.5600; 3525.5700; 3525.5800; 3525.5900; 3525.6000; 3525.6100; 3525.6200; 3525.6300; 3525.6400; 3525.6500; 3525.6600; 3525.6700; 3525.6800; 3525.6900; 3525.7000; 3525.7100; 3525.7200; 3525.7300; 3525.7400; and 3525.7500, are repealed.

**RENUMBER.** *Minnesota Rules*, parts 3525.2600; 3525.2700; and 3525.2800, should be renumbered as 3525.2750; 3525.2550, and 3525.2650 respectively.

## Minnesota Housing Finance Agency

### Proposed Permanent Rules Relating to Housing Trust Fund

#### Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has selected to follow the procedures set forth in *Minnesota Statutes* Section 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language. Unless twenty-five or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of *Minnesota Statutes* Section 14.14 *et. seq.* Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Kathleen J. Johnson  
Legal Division  
Minnesota Housing Finance Agency  
Suite 300  
400 Sibley Street  
St. Paul, Minnesota 55101  
Telephone: 612/296-9794

Authority for the adoption of these rules is contained in *Minnesota Statutes* 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that *Minnesota Statutes* Chapter 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* 10A.01, Subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520 (612) 296-5615.

Dated: 10 February 1989

James J. Solem  
Commissioner

### **Rules as Proposed (all new material)**

#### **4900.1920 SCOPE.**

Parts 4900.1920 to 4900.1924 govern the implementation of the housing trust fund housing program for low-income persons and families.

#### **4900.1921 DEFINITIONS.**

Subpart 1. **Agency.** "Agency" means the Minnesota Housing Finance Agency created by *Minnesota Statutes*, sections 462A.01 to 462A.24.

Subp. 2. **Applicant.** "Applicant" means one or more entities that submit an application to the agency for a grant or loan from the housing trust fund account to assist in the development, construction, acquisition, preservation, and rehabilitation of rental and limited equity cooperative housing units for low-income persons and families.

Subp. 3. **Application.** "Application" means a submittal requesting a grant or loan from the housing trust fund account to assist in the development, construction, acquisition, preservation, and rehabilitation of rental and limited equity cooperative housing units for low-income persons and families.

Subp. 4. **Low-income persons and families.** "Low-income persons and families" means persons and families whose annual gross income at the time the person or family originally occupied the unit was at or below 30 percent of the median family income for the metropolitan area as defined in *Minnesota Statutes*, section 473.121, subdivision 2.

Subp. 5. **Housing trust fund account.** "Housing trust fund account" means a separate account in the housing development fund consisting of:

- A. money appropriated and transferred from other state funds;
- B. interest accrued from real estate trust accounts;
- C. gifts, grants, and donations received from the United States, private foundations, and other sources; and
- D. money made available to the agency for the purpose of the account from other sources.

Subp. 6. **Program.** "Program" means the housing trust fund housing program for low-income persons and families.

Subp. 7. **Project.** "Project" means housing receiving a loan or grant under the housing trust fund housing program for low-income persons and families.

#### **4900.1922 ELIGIBLE APPLICATIONS.**

To be eligible for selection as a recipient of a grant or loan under the program, an applicant must satisfy the requirements in items A and B.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

A. The proposed project must substantially consist of residential housing and other housing related services such as community spaces or parking facilities, with at least 75 percent of the units rented to or cooperatively owned by low-income persons and families.

B. The application must include a comprehensive plan for the development and management of housing for low-income persons and document the ability of the applicant to develop and maintain that housing for a period of time specified by the agency. At a minimum, this plan must include:

- (1) documentation of a need for the type of housing in the proposed geographic area;
- (2) a description of the applicants' goals and objectives in meeting the area's need for the type of housing;
- (3) a detailed description of how the housing will be developed and managed, including:
  - (a) a description of the proposed site for the housing;
  - (b) preliminary architectural plans for the development;
  - (c) qualifications of the development and management staff; and
  - (d) a proposed tenant selection plan;
- (4) a detailed budget for the development of the proposed housing showing all development costs and the sources of funds to pay them;
- (5) a detailed budget for the operation of the housing showing all anticipated operating costs and the proposed rents and other income; and
- (6) documentation of the experience and fiscal responsibility and capability of the applicant or fiscal agent of the applicant in developing similar housing.

### **4900.1923 ELIGIBLE APPLICANTS.**

To be eligible for selection as a recipient of a grant or loan under the program, an applicant must be an individual, a nonprofit entity, a for profit entity, a cooperative housing corporation, a Minnesota city, a joint powers board established by two or more cities, or a Minnesota housing and redevelopment authority created under *Minnesota Statutes*, sections 462.415 to 462.705, with the authority to enter into any loan or grant documents that may be required by the agency.

### **4900.1924 SELECTION CRITERIA.**

The agency shall take the following criteria into consideration when determining whether an application and applicant will be selected for a grant or loan under the program:

- A. the prior experience of the applicant in development and managing similar residential housing;
- B. the extent to which grant funds are combined with other funds from private or public sources to make the development economically feasible;
- C. the ability of the applicant to proceed expeditiously with the development;
- D. the documented need for this type of residential housing in the proposed geographic area;
- E. the cost and quality of the proposed housing;
- F. the extent to which the amount of rent to be charged is less than 30 percent of the income of the low-income person leasing the housing unit;
- G. the geographic area to be serviced, to the end that a reasonable distribution of low-income housing can be achieved; and
- H. the extent of community support for this type of development.

## Department of Labor and Industry

### **Proposed Permanent Rules Relating to Workers' Compensation Rules of Practice**

#### **Notice of Intent to Amend Rules Without a Public Hearing**

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry, Workers' Compensation Division, intends to adopt the above entitled amendments to *Minnesota Rules*, parts 5220.2500 to 5220.5000 without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rules is contained in *Minnesota Statutes* Section 175.17 (2); Section 176.83, subd. 1 and 15; and Section 176.129, subd. 10.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Ken Peterson  
Commissioner, Department of Labor and Industry  
443 Lafayette Road  
St. Paul, Minnesota 55101  
(612) 296-2342

The proposed amendments may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed language.

The text of the proposed amendments follows this notice in the *State Register*. It sets out the procedure for handling the issuance of third-party subrogation orders and revises the penalty for nonpayment of the Special Compensation Fund assessment.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendment has been prepared and is available from the Commissioner upon request.

The Commissioner has determined that these rules do not have impact on small business directly. The duties contained in the rules are imposed on self-insured employers which are, by definition, not small businesses and insurers, which are also not small businesses.

Upon adoption of the amendments without a public hearing the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission of this material to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Commissioner.

Dated: 25 January 1989

Ken Peterson, Commissioner  
Department of Labor and Industry

### Rules as Proposed

#### 5220.2690 SUBROGATION INTEREST IN THIRD-PARTY RECOVERY.

Subpart 1. [Unchanged.]

Subp. 2. Subrogation information Stipulated agreement. ~~The parties shall furnish the division with the information necessary to issue its order determining the subrogation rights of the insurer, and any credit to which the insurer may be entitled against compensation liability. The division must serve the subrogation order on the parties. Where all of the parties have reached agreement with respect to the subrogation interest, a stipulated agreement concerning that interest may be submitted as provided in Minnesota Statutes, section 176.521.~~

Subp. 3. Determination of subrogation interest. The insurer or employee must comply with the procedures in this part in submitting a petition to the workers' compensation division for an order determining subrogation interest and credit.

A. The petition must be on the form prescribed by the commissioner and contain substantially the following:

- (1) information identifying both the district court action if any and the workers' compensation claim involved;
- (2) the total proceeds of the third-party settlement or award;

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## Proposed Rules

- (3) the amount of legal fees and costs of the third-party claim;
- (4) the subrogation interest of the employer itemized by type of benefits paid such as but not limited to:
  - (a) temporary total disability;
  - (b) temporary partial disability;
  - (c) permanent total disability;
  - (d) permanent partial disability;
  - (e) medical expenses where Minnesota Statutes, section 176.061, subdivision 7, claim was not made; and
  - (f) other;
- (5) the name, address, and telephone number of the attorney for each party if any.

B. The petitioner shall serve a copy of the petition and attachments on all parties to both the third-party action and the workers' compensation proceeding. Notice to the special compensation fund shall be given where a subrogation interest based on payments made pursuant to Minnesota Statutes, section 176.183 or potential interest under Minnesota Statutes, section 176.131 is known.

C. The original petition, together with a copy of the district court order or stipulation for settlement and corresponding order for dismissal or other documentary evidence reflecting the nature and extent of the resolution in district court must be filed with the division with proof of service as required in item B.

D. Upon receipt of the petition, the division will issue an order containing the following:

- (1) information identifying both the district court action if any and the workers' compensation claim involved;
- (2) the information upon which the subrogation order is based;
- (3) the calculation of the subrogation interest, including the future credit amount and the sum payable to the employee;

and

- (4) an explanation of the effect of the credit upon future benefit entitlement.

The order will be served on all parties and will contain notice of the parties' right to appeal the order within 30 days of its service.

E. If an appeal of the order is not received by the division within 30 days, the order will become the final order.

Subp. 4. Appeal of order. A party may appeal the order by filing a written appeal with the division and serving it on all parties within 30 days of the service of the order. The appeal must contain a detailed statement explaining the factual or legal basis for the appeal and include any documentation supporting the appeal.

Upon receipt of a timely appeal, the matter will be referred to a settlement judge for a settlement conference to resolve the issues by agreement.

If agreement is not reached at the settlement conference but the parties agree to a stipulated set of facts, the settlement judge will rule on the subrogation interest under Minnesota Statutes, section 176.322. The determination is appealable as provided in Minnesota Statutes, section 176.322.

If agreement is not reached at the settlement conference and facts remain in dispute, the matter will be certified to the office for hearing.

### **5220.2840 FAILURE TO MAKE PAYMENT TO SPECIAL FUND; PENALTY.**

For payments under Minnesota Statutes, section 176.129, the original payment notice will give warning that failure to pay by the due date without requesting an extension or showing good cause will result in a penalty.

Within 30 working days after the due date, the fund director must send notice of penalty by certified mail to those who have not responded to the original payment notice. Payment of the original amount due plus a fine of 15 percent of the amount due or \$500, whichever is greater, must be made within 30 days of notice of penalty by the fund director or good cause must be shown, or a request for hearing must be filed with the division.

If the insurer penalized does not make payment within six months of the original payment notice, the fund director will refer the file to the department of commerce for consideration of license or permit revocation.

Subpart 1. Due date. For workers' compensation benefits paid from January 1 through June 30, the due date of the completed assessment form and corresponding assessment amount is August 15 of the same calendar year.

For workers' compensation benefits paid from July 1 through December 31, the due date of the corresponding assessment amount is March 1 of the following calendar year.

Notice of the assessment rate and instructions for payment will be issued by the fund 45 or more days before the due date.

Subp. 2. Basis. A penalty will be assessed under Minnesota Statutes, section 176.129, subdivision 10, where either:

A. the completed assessment form and payment of the special compensation fund assessment; or

B. written certification that the assessment report and assessment payment will not be made by the due date because of reasons beyond the control of the insurer, is not received by the special compensation fund on or before the due date.

Subp. 3. Amount. Within 30 days of the due date, the special compensation fund will give notice of penalty to those who have neither filed the completed assessment form and paid the assessment amount, nor submitted a certified reason for nonpayment by the due date as follows:

A. Either:

(1) 2.5 percent of the assessment amount due if the assessment payment is received at the fund within five days after the due date; or

(2) five percent of the assessment amount due if the assessment payment is received at the fund within six to 30 days after the due date; or

(3) ten percent of the assessment amount due if the assessment payment is received at the fund within 31 to 60 days after the due date; or

(4) 15 percent of the assessment amount due if the assessment payment is received at the fund 61 or more days after the due date; or

B. \$500, whichever is greater.

Subp. 4. Payable to. Both the assessment amount and any penalty due under this part are payable to the special compensation fund.

Subp. 5. Continued nonpayment. If the insurer penalized does not make payment within six months of the due date, the fund director shall refer the file to the Department of Commerce for consideration of license or permit revocation.

## **Board of Optometry**

### **Second Notice of Intent to Amend and Adopt Rules Without a Public Hearing in the Matter of the Proposed Adoption of the Amendment of the Rules Relating to License Renewal Fees**

In order to comply with the requirements of *Minnesota Statutes*, section 16A.128, subdivision 2a, and section 14.22, the Minnesota Board of Optometry hereby republishes the Notice of Intent to Amend and Adopt Rules Without a Public Hearing, and the proposed rules regarding license renewal fees. The Notice and the copy of the rules, which appeared at 13 *State Register* 1368 (December 5, 1988) are incorporated herein by reference.

Dated: 27 January 1989

Burton H. Skuza, O.D.  
Executive Director  
Board of Optometry

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## Proposed Rules

# Department of Trade and Economic Development

## Proposed Permanent Rules Relating to Community Block Grants

### Notice of Intent to Adopt Rule Amendments Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Trade and Economic Development intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in *Minnesota Statutes*, § 14.22-14.28.

Changes are proposed to sections concerning definitions and the application process. The rules are authorized by *Minnesota Statutes* 1988, section 116J.401, section 116J.403, and section 116J.873.

All persons have 30 days in which to submit comments in support of or in opposition to the proposed amended rule or any part or subpart of the amended rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed amendments may be modified in final adoption if modifications are supported by the data and views submitted to the Department of Trade and Economic Development and do not result in a substantial change in the proposed language.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If twenty-five or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. The written request must be specific on which amendment(s) a hearing is desired.

Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. If a public hearing is required, the department will proceed pursuant to the provisions of *Minnesota Statutes*, § 14.131-14.20.

Persons who wish to submit comments or written requests for a public hearing, or person who wish to receive a copy of this notice and/or a copy of the proposed amendments, should address their correspondence to:

Louis Jambois  
Community Assistance Unit  
Minnesota Department of Trade and Economic Development  
Community Development Division  
900 American Center Building  
150 East Kellogg Boulevard  
St. Paul, MN 55101-1421

A free copy of the proposed rule amendments and a statement that describes the need for and reasonableness of each provision on the proposed amendments is available from the Department of Trade and Economic Development upon request.

Upon adoption of the final amendments without a public hearing, the proposed amendments, this notice, the statement of need and reasonableness, all written comments received, and the final amendments as adopted will be delivered to the Attorney General for review as to legality and form, to the extent the form relates to legality. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendments as proposed for adoption, should submit a written request to the above address.

Please be advised that *Minnesota Statutes* chapter 10A requires lobbyists to register with the State Ethical Practices Board within five days after he or she commences lobbying. *Minnesota Statutes* § 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250 not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone 612/296-5148.

David J. Speer, Commissioner  
Department of Trade and Economic Development

### Rules as Proposed

#### 4300.0100 DEFINITIONS.

Subpart 1. **Scope.** As used in this chapter, the following terms have the meanings given them.



Subp. 2. **Application year.** "Application year" means the ~~federal state~~ fiscal year beginning ~~October~~ July 1 and ending ~~September~~ June 30.

Subp. 2a. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Trade and Economic Development.

Subp. 2b. **Community development application.** "Community development application" means the official consolidated application form as developed by the Department of Trade and Economic Development to be used to apply for funding assistance from various community assistance programs administered by the community development division.

Subp. 3. to 5. [Unchanged.]

Subp. 5a. **Division.** "Division" means the community development division in the Department of Trade and Economic Development to which the program is assigned.

Subp. 6. to 9. [Unchanged.]

Subp. 10. **Grant close out.** "Grant close out" means the process by which the ~~office~~ division determines that all applicable administrative actions and all required work have been completed by the grant recipient and the department.

Subp. 11. **Grant year.** "Grant year" means any period of time during which the United States Department of Housing and Urban Development makes funds from any federal fiscal year available to the state for distribution to local governments under *United States Code*, title 42, sections 5301 to 5316 (1981), and includes the period of time during which the ~~office~~ division solicits applications and makes grant awards.

Subp. 11a. **Housing and community development needs assessment.** "Housing and community development needs assessment" means an analysis of priority community needs as required by Section 104 of the Housing and Community Development Act of 1974, United States Code, title 42, section 5304(b)(3).

Subp. 12. to 15. [Unchanged.]

Subp. 16. [See Repealer.]

Subp. 17. to 20. [Unchanged.]

Subp. 21. **Program area.** "Program area" means a defined geographic area within which an applicant has determined that, ~~based on community plans or other studies,~~ there exists a need for community development activities. A program area may be a neighborhood in a community or an entire community.

Subp. 22. and 23. [Unchanged.]

Subp. 24. [See Repealer.]

Subp. 25. [Unchanged.]

Subp. 26. **Single purpose project.** "Single purpose project" means one or more activities designed to meet a specific housing or public facilities community development need within a defined program area.

Subp. 27. [Unchanged.]

#### **4300.0200 PURPOSE.**

This Chapter gives procedures for evaluating applications for grants and awarding them to eligible applicants by the Department of Trade and Economic Development under *United States Code*, title 42, sections 5301 to 5316 (1981), and regulations adopted in *Code of Federal Regulations*, title 24, part 570, and under Minnesota Statutes, section 116J.873.

#### **4300.1100 TYPES OF COMPETITIVE GRANTS AVAILABLE.**

Subpart 1. **Single purpose grants.** The ~~office~~ division shall approve ~~grants~~ grant applications for funding for single purpose projects ~~for funding from a single grant year.~~ The ~~office~~ division shall place single purpose grant applications in one of the following categories for purposes of evaluation:

A. housing projects which include one or more activities designed to increase the supply or quality of dwellings suited to the occupancy of individuals and families; or

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## Proposed Rules

B. public facilities projects which include one or more activities designed to acquire, construct, reconstruct, or install buildings or infrastructure which serve a neighborhood area or community.

Subp. 2. **Comprehensive grants.** The office division shall approve comprehensive grants for two or more projects which constitute a comprehensive program as described in part 4300.0100.

### 4300.1101 ECONOMIC DEVELOPMENT GRANTS; NONCOMPETITIVE.

The office division shall approve grants for economic development projects for funding throughout a ~~single~~ the application year, or until the funds reserved have been exhausted.

### 4300.1200 APPLICATION PROCESS AND REQUIREMENTS.

Subpart 1. **Grant Community development application manual.** The office division shall ~~prepare a manual for distribution to eligible applicants no later than 120 days before the application closing date for competitive applications~~ make the community development application manual, additional instructional materials, and forms available on a year-round basis. The manual ~~must~~ and additional materials and forms shall instruct applicants in the preparation of applications and describe the method by which the office division will evaluate and rank applications.

Subp. 2. **Eligibility requirements.** Any unit of general purpose local government, including cities, counties, and townships located in a nonentitlement area or electing exclusion from an urban county under *United States Code*, title 42, section 5302 (1981), may apply for a grant. An eligible applicant may apply on behalf of other eligible applicants. Applications submitted on behalf of other applicants must be approved by the governing body of all local governments party to the application. An eligible applicant may ~~apply for receive~~ only one competitive grant per grant year and no eligible applicant shall be included in more than one competitive application. An eligible applicant may ~~apply for receive~~ one economic development grant in addition to a competitive grant each application year.

Subp. 3. **Disqualification of applicants.** Applications from otherwise eligible applicants shall be disqualified where for previously awarded grants under these parts or awarded by the Department of Housing and Urban Development under *United States Code*, title 42, section 5306 (1981), it is determined by the office division that any of the following conditions exist:

A. there are outstanding audit findings on previous community development grants and the grantee has not objected on a reasonable basis to the findings or demonstrated a willingness to resolve the findings;

B. previously approved projects have passed scheduled dates for grant close out and the grantee's ability to complete the project in an expeditious manner is in question; or

C. the applicant has not made scheduled progress on previously approved projects and the grantee's ability to complete the project in an expeditious manner is in question.

Subp. 4. **Contents of community development application.** The contents of ~~the~~ a community development application must be consistent with the informational requirements of this chapter and must be on a form prescribed by the office division. ~~The application must be accompanied by:~~

~~A. an assurance, signed by the chief elected official, that the applicant will comply with all applicable state and federal requirements;~~

~~B. an assurance signed by the chief elected official certifying that at least one public hearing was held at least ten days but not more than 60 days before submitting the application; and~~

~~C. a copy of a resolution passed by the governing body approving the application and authorizing execution of the grant agreement if funds are made available. A complete community development application shall include, but not be limited to:~~

~~A. needs narrative, summarizing the needs for the proposed project;~~

~~B. project summary, summarizing the activities to be completed and the scope of the project;~~

~~C. activities and budget, detailing the estimates associated with each proposed activity;~~

~~D. assurances, necessary to comply with the federal or state requirements as a prerequisite to receiving state or federal funding;~~

~~E. resolution, from the submission of the local government applicant approving the application and authorizing execution of the grant agreement according to the requirements of the community development division if funds are made available; and~~

~~F. supporting materials, attachments that are designed to verify or support information in items A to E.~~

The office division may request additional information from the applicant if it is necessary to clarify and evaluate the application.

Subp. 5. **Time limit for submitting applications.** Competitive applications ~~must be received in the office or postmarked by the closing date. The office shall give notice of the period during which applications will be accepted. While competitive applications~~

may be submitted at any time during the year, a formal yearly closing date for receipt of applications shall be established. Complete competitive applications shall be evaluated following the closing date for competitive applications. The notice must be published in the *State Register* at least 120 days before the closing date. Economic development project applications may be submitted at any time during the ~~grant~~ application year.

Subp. 6. **Regional review.** The applicant must submit a complete copy of the application to the Regional Development Commission, where such a commission exists, or the Metropolitan Council, where it has jurisdiction, for review and comment in accordance with *Minnesota Statutes*, section 462.391, subdivision 3, or *Minnesota Statutes*, section 473.171, respectively.

#### **4300.1400 COMPARISON OF ALL COMPETITIVE APPLICATIONS; GENERAL COMPETITION.**

Subpart 1. **Points available.** Thirty percent of the total available points shall be awarded by the ~~office~~ division based on a general competition involving a comparison of all applications.

Subp. 2. **Evaluation of community need.** Two-thirds of the points in the general competition shall be awarded based on evaluation of community need, which shall include:

- A. the number of poverty persons in the area under the applicant's jurisdiction;
- B. the percentage of persons resident in the area under the applicant's jurisdiction who are poverty persons; and
- C. the per capita assessed valuation of the area under the jurisdiction of the applicant, such that points are awarded in inverse relationship to applicants' per capita assessed valuation.

Subp. 3. **Evaluation of other factors.** One-third of the points in the general competition shall be awarded based on evaluation of:

- A. the extent to which the proposed activities are compatible with ~~regional or community development plans~~ the housing and community development needs assessment; and
- B. adequacy of the applicant's management and financial plan.

**REPEALER.** *Minnesota Rules*, part 4300.0100, subparts 16 and 24, are repealed.

## **Department of Trade and Economic Development**

### **Proposed Permanent Rules Relating to District Heating Loans**

#### **Notice of Intent to Amend Rules Without a Public Hearing**

NOTICE IS HEREBY GIVEN that the Public Facilities Authority proposes to amend the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, section 446.11, subdivision 2.

All persons have 30 days to submit comments in support of or in opposition to the proposed amendments to the rules. Comment is encouraged. Each comment should identify the portion of the proposed amendments to the rules addressed, the reason for the comment and any change proposed. The proposed amendments to the rules may be modified if the modifications are supported by the data and views submitted to the Authority and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments to the rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to the *Minnesota Statutes*, sections 14.13 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to:

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

Martin English  
Public Facilities Authority  
900 American Center Building  
150 Kellogg Boulevard  
St. Paul, MN 55101

A Statement of Need and Reasonableness that describes the need for and reasonableness of the amendments to the rules and identifies the data and information relied upon to support the proposed amendments to the rules has been prepared and is available upon request from Martin English.

If no hearing is required, upon adoption of the amendments to the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any persons may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Martin English.

David J. Speer  
Commissioner of Trade and Economic Development

### Rules as Proposed

#### 7380.0600 DEFINITIONS.

Subpart 1. [Unchanged.]

**Subp. 1a. Application.** "Application" means the community development application that is the official consolidated application form as developed by the Department of Trade and Economic Development, used to apply for funding assistance from various community assistance programs administered by the community development division.

Subp. 2. to 4. [Unchanged.]

**Subp. 4a. Division.** "Division" means the community development division of the Department of Trade and Economic Development that, as provided in Minnesota Statutes, section 116J.980, is responsible for administering all state community development and assistance programs, including the Minnesota Public Facilities Authority.

Subp. 5. to 9. [Unchanged.]

#### 7380.0630 APPLICATION PROCEDURE.

Subpart 1. **Submitting.** The applicant shall submit ten copies of a complete application to the ~~chair of the authority~~ authority division on a form provided by the authority division.

Subp. 2. **Review by Department of Public Service.** When an application is received by the ~~chair division~~, copies of the application shall be sent to the commissioner of the Department of Public Service for review. The commissioner of public service shall prepare and submit to the authority a technical evaluation and a recommendation on the application.

#### 7380.0640 AUTHORITY REVIEW AND EVALUATION.

The authority will review the complete application for compliance with *Minnesota Statutes*, section 116J.36, and the rules of this part in conjunction with the recommendation of the commissioner of public service on the application. The authority shall also review the commissioner of public service priority list for funding district heating loans that must be based on the requirements under *Minnesota Statutes*, section 116J.36, subdivisions 3, 4, 5, 6, and 7. The authority shall give higher priority to a project as provided in *Minnesota Statutes*, section 116J.36, subdivision 4.

The commissioner of finance shall sell bonds and the authority shall make loans for district heating projects only upon the recommendation of the commissioner of public service.

If the authority disapproves the application, the ~~chair applicant~~ shall ~~notify the applicant~~ be notified in writing.

#### 7380.0700 DEFINITIONS.

Subpart 1. and 2. [Unchanged.]

**Subp. 2a. Application.** "Application" means the community development application that is the official consolidated application form as developed by the Department of Trade and Economic Development, used to apply for funding assistance from various community assistance programs administered by the community development division.

**Subp. 2b. Division.** "Division" means the community development division of the Department of Trade and Economic Development that, as provided in Minnesota Statutes, section 116J.980, is responsible for administering all state community development and assistance programs, including the Minnesota Public Facilities Authority.

Subp. 3. to 10. [Unchanged.]

#### **7380.0730 MUNICIPAL ENERGY LOAN APPLICATION CONTENTS AND PROCEDURES.**

Subpart 1. **In general.** A municipality shall submit ~~an~~ a complete application to the ~~authority~~ division on a form provided by the ~~authority~~ division. An application must be completed, dated, and signed in ink by a duly authorized official of the applicant and must include the authorized official's title.

Subp. 2. **Contents.** The complete application must contain:

- A. the municipality name or school district or vocational center number;
- B. the complete mailing address of the applicant, including the county;
- C. the contact person's name, title, and telephone number;
- D. the federal employer identification number;
- E. a list of buildings and stationary energy-using systems included in the request and the dollar amount requested per building or system;
- F. the name and address of each building or system, including the county;
- G. the total floor area in square feet for each building;
- H. the original construction date for each system, building, and building additions;
- I. the state legislative district;
- J. a summary description of each conservation measure, its maxi-audit item number, its estimated cost, the loan amount requested, its estimated annual energy-cost savings, its estimated annual fuel and electric savings, its estimated payback, and the estimated dates the conservation measure will be started and completed; and
- K. a certification to assure proper and efficient operation of the building or system once the project is completed.

~~An~~ A complete application must also contain an irrevocable resolution of the governing body of the municipality to annually levy or otherwise collect sufficient funds to guarantee loan repayment and a maxi-audit for each building and energy-using system involved in the project. One copy of the complete application is required.

#### **7380.0740 MUNICIPAL ENERGY LOAN APPLICATION REVIEW.**

Subpart 1. **Administrative review.** The authority shall examine ~~the loan~~ a complete application to verify that the applicant is eligible, that the required forms and reports are included and are correctly completed, that an irrevocable resolution of the governing body of the municipality is included, and that the estimated start and end dates of the conservation measures included in the project are reasonable.

Subp. 2. **Technical review.** The authority shall forward a copy of the complete application to the commissioner of public service. The commissioner of public service shall prepare and submit to the authority a technical evaluation of the application. The technical evaluation must be on the forms provided by the authority.

Conservation measures with paybacks of ten years or less that are identified and described in maxi-audits are eligible. The minimum requirements for maxi-audits are as provided in *Code of Federal Regulations*, title 10, section 455.42 (May 21, 1981). Loans may not be awarded to buildings or systems with a remaining useful life less than or equal to the payback of the conservation measures proposed. Loans may not be awarded for a conservation measure if the payback of the conservation measure proposed is greater than or equal to the useful life of the measure.

The commissioner of public service shall examine a maxi-audit that accompanies a ~~loan~~ complete application to verify that conservation measures requested are analyzed with adequate details of the existing conditions and proposed changes using appropriate calculation procedures, and that the proposed measures are eligible.

Subp. 3. **Review results.** The commissioner of public service shall forward the technical evaluation of an application to the authority. The authority shall accept, reject, or modify a loan application request as necessary based on the administrative and the technical review. The authority shall give to an applicant whose application is rejected a notice of problems encountered in the review process and options available to correct them for resubmission of the application.

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## Proposed Rules

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### Department of Trade and Economic Development

#### Proposed Permanent Rules Relating to Outdoor Recreation Grants

##### Notice of Intent to Adopt Rule Amendments Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Trade and Economic Development intends to adopt the above entitled rule amendments without a public hearing following the procedures set forth in *Minnesota Statutes*, § 14.22-14.28.

Changes are proposed to sections concerning definitions, authority, purpose, the application process, project agreements, disbursements of grants, and amendments. The rules are authorized by *Minnesota Statutes* 1988, section 86.71, section 116J.035, subd. 2, section 116J.401 (5), and section 116J.406.

All persons have 30 days in which to submit comments in support of or in opposition to the proposed amended rule or any part or subpart of the amended rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed amendments may be modified in final adoption if modifications are supported by the data and views submitted to the Department of Trade and Economic Development and do not result in a substantial change in the proposed language.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If twenty-five or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. The written request must be specific on which amendment(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. If a public hearing is required, the department will proceed pursuant to the provisions of *Minnesota Statutes*, § 14.131-14.20.

Persons who wish to submit comments or written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed amendments, should address their correspondence to:

Wayne Sames  
Outdoor Recreation Grant Program  
Minnesota Department of Trade and Economic Development  
Community Development Division  
900 American Center Building  
150 East Kellogg Boulevard  
St. Paul, MN 55101-1421

A free copy of the proposed rule amendments and a statement that describes the need for and reasonableness of each provision of the proposed amendments is available from the Department of Trade and Economic Development upon request.

Upon adoption of the final amendments without a public hearing, the proposed amendments, this notice, the statement of need and reasonableness, all written comments received, and the final amendments as adopted will be delivered to the Attorney General for review as to legality and form, to the extent the form relates to legality. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendments as proposed for adoption, should submit a written request to the above address.

Please be advised that *Minnesota Statutes* chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. *Minnesota Statutes* § 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250 not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5148.

David J. Speer, Commissioner  
Department of Trade and Economic Development

##### Rules as Proposed

##### 4310.8105 DEFINITIONS.

Subpart 1. Scope. The following terms used in parts 4310.8105 to 4310.8160 have the meanings given them.

**Subp. 2. Community development application.** "Community development application" means the official consolidated application form as developed by the department to be used to apply for funding assistance from various community assistance programs administered by the Community Development Division.

**Subp. 3. Community Development Division.** "Community Development Division" means the Community Development Division of the Department of Trade and Economic Development.

**Subp. 4. Eligible applicant.** "Eligible applicant" means local units of government that are eligible to apply for an outdoor recreation grant.

**Subp. 5. LAWCON.** "LAWCON" means the program established by the act of Congress entitled "The Land and Water Conservation Fund Act of 1965," as amended, Statutes at Large, volume 87, page 897, which provides federal grants to Minnesota for the acquisition and development of outdoor recreation projects.

**Subp. 6. Local units of government.** "Local units of government" means counties, cities, townships, and Indian tribes and bands recognized by the federal government.

**Subp. 7. NPS.** "NPS" means the National Park Service of the United States Department of the Interior.

**Subp. 8. NPS guidelines.** "NPS guidelines" means those guidelines established by the National Park Service and contained in the "Land and Water Conservation Fund Grants Manual," prepared by the National Park Service. This manual is incorporated by reference, is available through the Minitex interlibrary loan system, and is subject to frequent change.

**Subp. 9. Outdoor recreation grant.** "Outdoor recreation grant" means a specific sum of money made available by the federal government or Minnesota to an eligible applicant for the execution of outdoor recreation projects.

**Subp. 10. Project.** "Project" means a planned undertaking for outdoor recreation, proposed by an eligible applicant, having fixed beginning and ending dates and consisting of either or both of the following two types:

A. "acquisition project" means the acquisition of real property or an interest and rights to the property for a well-defined outdoor recreation area and purpose; and

B. "development project" means the development of structures, utilities, or facilities necessary for the purpose of outdoor recreation on publicly-owned or controlled land.

**Subp. 11. Project agreement.** "Project agreement" means the contract executed between the NPS and the state, or the state and the eligible applicant, that sets forth the mutual obligations with regard to a portion or all of a specific project.

**Subp. 12. SCORP.** "SCORP" means the Minnesota Statewide Comprehensive Outdoor Recreation Plan prepared by the Minnesota Department of Natural Resources as required by the NPS as a prerequisite to distribution of LAWCON funds. This plan is incorporated by reference, is available through the Minitex interlibrary loan system, and is subject to change every five years.

#### **4310.8120 PURPOSE.**

Parts 4340.8100 4310.8105 to 4310.8300 ~~are set forth to~~ provide criteria, priorities, and procedures for evaluating outdoor recreation proposals of local government units under consideration for LAWCON, LCMR grants in aid, athletic courts, and trails outdoor recreation grants.

#### **4310.8130 APPLICATION PROCESS.**

**Subpart 1. Eligibility.** Any local applicant that satisfies the guidelines for eligibility established by HCRS An eligible local unit of government may apply for a LAWCON an outdoor recreation grant. To receive a grant, an eligible applicant must satisfy the requirements in parts 4310.8105 to 4310.8160 and related statutory requirements.

**Subp. 2. Notice.** Annually, OLUA the Community Development Division shall send provide notice of the period of time that preliminary applications for LAWCON grants shall be accepted by OLUA. The notice shall be sent at least 45 days before the period ends. Such notice shall be sent concerning the application process for outdoor recreation grants to the following:

A. mayors in care of the clerks of all cities in Minnesota;

B. county board ~~chairmen~~ chairs in care of the auditors of all counties in Minnesota;

C. ~~chairpersons~~ chairs of county planning commissions and city planning ~~commission~~ commissions of all cities over 5,000 population according to the last federal decennial census in Minnesota;

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## Proposed Rules

~~D. chairman~~ chairs of county park and recreation commissions and city park and recreation commissions of all cities over 5,000 population according to the last federal decennial census in Minnesota;

E. chairs in care of the executive directors of regional development commissions;

~~E. chairpersons~~ F. chairs of each county's township association;

G. chairs of tribal councils of recognized Indian tribal governments;

~~F. H.~~ statewide organizations representing Minnesota local governments;

~~G. I.~~ persons requesting notice; and

~~H. J.~~ upon request, to the Minnesota state legislature.

Subp. 2a. Application content and submission. Applications may be submitted year-round to the Community Development Division and on the Community Development Division's community development application.

A completed community development application must include:

A. needs narrative summarizing the need for the proposed outdoor recreation project;

B. project summary outlining the facilities and land acquisition to be completed and the scope of the project;

C. activities and budget detailing the specific estimated costs associated with each proposed acquisition or development activity;

D. assurances necessary to comply with federal or state requirements as a prerequisite to receiving state or federal funding;

E. a resolution from the local unit of government approving the submission of the application and authorizing execution of the grant agreement in accordance with the requirements of the Community Development Division, if funds are made available; and

F. supporting materials that are designed to verify or support information presented in items A to E.

The Community Development Division may require additional information from the applicant if it is necessary to clarify and evaluate the application.

Subp. 3. [See Repealer.]

Subp. 3a. Evaluation criteria. Funding of outdoor recreation projects, included on completed community development applications, shall be officially determined during an annual competitive review and ranking period. The Community Development Division may request applicants who have submitted completed applications with outdoor recreation projects, before the annual competitive review and ranking period, to submit additional materials and support documentation necessary to complete the evaluation and ranking.

Outdoor recreation projects, included on completed community development applications, shall be officially evaluated, scored, and ranked in accordance with the general criteria in subpart 4a, acquisition priorities in subpart 5a, and development priorities in subpart 6a.

Subp. 4. [See Repealer.]

Subp. 4a. General criteria. Applications that meet one or more of the following criteria shall receive priority over similar projects that do not:

A. projects involving outstanding irreplaceable resources or features of statewide or regional significance that are in danger of commercial (nonrecreational) development, subdivision, or other use that may be incompatible with outdoor recreation uses;

B. projects that have received a prior outdoor recreation grant for a preceding phase of the proposed project and that have been satisfactorily managed;

C. projects that are designed with a sensitivity toward the physical limitations and natural characteristics of the site; recognize and complement existing land forms and recreation facilities; provide for ease of maintenance and operation of the site; do not have major environmental intrusions that are detrimental to the intended use of the property; make good use of available space without crowding; and include facilities that are designed in accordance with generally-accepted engineering and architectural standards;

D. projects for which the applicant has submitted a statement documenting a financial commitment to continued operations and maintenance of the proposed facilities;

E. projects that are consistent with the outdoor recreation needs and priorities related to local governments as identified in SCORP; and

F. projects for which the applicant can demonstrate a need for priority consideration for state financial assistance.



Subp. 5. [See Repealer.]

**Subp. 5a. Acquisition priorities.** The following criteria shall be used to evaluate applications for acquisition projects and to determine priorities for projects:

A. acquisition of project sites having existing or potential natural, scientific, cultural, historical, educational, or recreational values that would be made available for public enjoyment;

B. acquisition of project sites that would protect or enhance aesthetics, land and water quality, or the recreational use of existing outdoor recreation facilities; and

C. acquisition of project sites that address the outdoor recreation land acquisition needs and priorities related to local governments as identified in SCORP.

Subp. 6. [See Repealer.]

**Subp. 6a. Development priorities.** The following criteria shall be used to evaluate applications for outdoor recreation development projects and to determine priorities for projects:

A. projects designed to protect and enhance land and water quality of the site consistent with the estimated number of its potential users and the proposed outdoor recreation activities;

B. projects designed to be readily accessible to a wide range of potential users, including handicapped users;

C. projects designed to minimize any potential risk to the health and safety of users; and

D. projects designed to provide to the general public a wide range of outdoor recreation opportunities that are related to the needs and priorities established in SCORP.

Subp. 7. [See Repealer.]

**Subp. 7a. Competitive review and ranking period.** As part of the competitive review and ranking period, Community Development Division staff shall conduct an on-site inspection of each project. After completion of the on-site inspections, each project shall be reviewed in accordance with the evaluation criteria contained in subpart 3a, and a priority ranking shall be established for each applicant based on the evaluation criteria. All applicants shall be notified by the Community Development Division about the disposition of their project after the competitive review and ranking period has been completed and a funding determination has been made.

Grants shall be allocated to applicants in descending order or priority, as determined by the ranking, until all available grant funds are depleted.

The highest ranked projects will be eligible for and shall be awarded federal LAWCON funds. The Community Development Division shall determine which projects will be eligible for state funds.

Subp. 8. [See Repealer.]

**Subp. 8a. NPS approval and notice of LAWCON grant award.** For any eligible project for which the Community Development Division has determined that federal LAWCON funds will be awarded, the Community Development Division shall request NPS approval of a LAWCON grant for the recommended project. The Community Development Division shall notify the applicant that the project has been recommended for a grant and will be submitted to the NPS for final approval. The Community Development Division shall also notify the applicant of the action taken by the NPS.

Subp. 9. [See Repealer.]

**Subp. 9a. Notification of state grant award.** For any eligible project for which the Community Development Division has determined that state funds will be awarded, the Community Development Division shall notify the applicant that the project has received a grant award. If an eligible project is not recommended to receive a grant award, the Community Development Division shall notify the applicant that the project did not rank highly enough for funding.

Subp. 10. to 12. [See Repealer.]

#### **4310.8140 PROJECT AGREEMENT.**

Upon approval by HCRS, OLUA the NPS for LAWCON-funded projects and approval by the Community Development Division

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## Proposed Rules

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for state-funded projects, the Community Development Division shall execute a project agreement with the applicant and the applicant shall comply with the terms of the project agreement.

### 4310.8150 DISBURSEMENT OF GRANT.

The applicant shall initially pay for the project costs as specified in the project agreement. The applicant shall submit to OLUA a billing request for work completed on the project, but not more than six billings per the Community Development Division a payment request for reimbursement of costs incurred in the completion of the project. In all cases, not more than four payment requests shall be submitted for the life of the project. Upon receipt of a billing payment request, containing the documentation required in the project agreement, OLUA the Community Development Division shall audit the payment request documentation to determine the eligibility and propriety of the costs incurred by the applicant.

For projects funded with federal LAWCON funds, if the costs are eligible and properly documented, the Community Development Division shall request reimbursement from HCRS NPS of the federal share of the eligible costs represented by that billing the applicant's payment request. Upon receipt of the LAWCON grant reimbursement for that billing payment request, OLUA the Community Development Division shall reimburse issue payment of the federal funds to the applicant.

For projects funded with state grant funds, the Community Development Division shall reimburse the applicant for the eligible costs represented by each payment request, provided that the payment request documentation submitted contains the documentation required in the project agreement.

The final billing payment shall reflect any cost adjustments due to project changes and. The project site shall be subject to a site an inspection by the state and HCRS federal personnel and. All costs incurred by the applicant may be subject to verification by an independent federal and or state audit.

### 4310.8160 AMENDMENTS.

A request for an amendment in the project scope, costs, or time period may be submitted to OLUA the Community Development Division prior to project termination. If the request is eligible for a LAWCON amendment and OLUA the Community Development Division considers the amendment request to be reasonable and justified and it does not substantially affect the project eligibility under part 4310.8130, subparts 5 to 8, it may request HCRS NPS to approve the amendment.

**REPEALER.** Minnesota Rules, parts 4310.8100; 4310.8110; 4310.8130, subparts 3 to 12; 4310.8170; 4310.8180; 4310.8190; and 4310.8300, are repealed.

## Official Notices

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Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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## Minnesota State Arts Board

### Notice of Regular Board Meeting

The next regular meeting of the Minnesota State Arts Board will take place at 9:30 a.m. on Thursday, February 16, 1989 at the Arts Board offices, 432 Summit Avenue in Saint Paul. The public is invited to attend. Open meeting law guidelines will be in effect.

Agenda items will include the selection of grantees for Artist Assistance fellowships in music and dance.

## Department of Health

### Division of Environmental Health

### Notice of Intent to Solicit Outside Opinion on Rules Relating to Ionizing Radiation

NOTICE IS HEREBY GIVEN, pursuant to provisions of *Minnesota Statutes* 14.10 (1989), that the Commissioner of Health is considering the proposal of amendments to existing rules relating to diagnostic and therapeutic x-ray uses.

Written comments should be addressed to:

Alice T. Dolezal Hennigan, Chief  
Section of Radiation Control  
Minnesota Department of Health  
717 Delaware Street S.E.  
P.O. Box 9441  
Minneapolis, Minnesota 55440

## Department of Health

### Notice of Vacancies on the Home Health Care for Medical Technology Assisted Persons Review Panel (Non-Governmental)

The Commissioner of Health announces vacancies on a non-governmental, interdisciplinary review panel which will review disputes among patients, health care providers, and health plans regarding medically necessary home health care for technology-assisted persons. Panel membership consists of:

- one physician, with experience in the care of technology-assisted persons,
- one registered nurse, with experience in the care of technology-assisted persons in the home,
- one medical director for a health insurance plan incorporated under *Minnesota Statutes* 62A, 62C, or 62D,
- one benefits administrator for a health insurance plan incorporated under *Minnesota Statutes* 62A, 62C, or 62D,
- one consumer member of a board of directors for a health insurance plan incorporated under 62A, 62C or 62D, and
- one consumer who is a technology-assisted person, a spouse or a parent of a technology-assisted person.

This panel has no legal or other authority to bind parties to a recommendation, but rather will provide advice to health plans, technology-assisted persons or their parents/guardians, and health care providers. The panel will further serve as a forum in which issues relating to the care needed by a technology-assisted person can be discussed and resolved. The final decision on the appropriate level of medically necessary services, and the plan's obligation under the contract will be that of the health plan, subject to review by the appropriate regulatory agency.

Interested parties may submit a resume and cover letter by March 10, 1989, stating their interest and qualifications to:

Ms. Georgianna Larson  
Pathfinder  
5000 West 39th Street  
Minneapolis, Minnesota 55416

Applicants will be notified of decisions by April 15, 1989.

THE COMMISSIONER OF HEALTH WILL NOT PARTICIPATE IN THE SELECTION OF PANEL MEMBERS. The Commissioner publishes this notice in an effort to facilitate creation of this panel, and as a service to the public.

## Higher Education Facilities Authority

### Notice of Public Hearing on Proposal to Issue Revenue Bonds

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds on behalf of the College of St. Thomas, a Minnesota nonprofit corporation and institution of higher education (the "College"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on February 22, 1989 at 2 o'clock p.m. Under the proposal, the Authority would issue its revenue bonds in an aggregate principal amount of up to approximately \$4,205,000, to provide financing for a Project generally described as the

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## Official Notices

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renovation of Grace Residence Hall, the renovation of Cretin Residence Hall, the renovation of Loras Hall, and the renovation of and construction of an addition to Binz Refectory, all to be owned and operated by the College, whose street address is College of St. Thomas, 2115 Summit Ave., St. Paul, Minnesota. At said time and place the Authority shall give all parties who appear an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 13 February 1989

BY ORDER OF THE MINNESOTA HIGHER  
EDUCATION FACILITIES AUTHORITY

Joseph E. LaBelle  
Executive Director

## Department of Human Services

### Corrections to Notice of MA/GAMC Services Requiring Prior Authorization

The following corrections are the accumulative corrections to the list of services requiring prior authorization which was published in the October 10, 1988 *State Register*, Vol. 13, #15, pages 936-947.

Page 938	Delete: D7810 D7820
Page 941 item 2	Modify to read "Nondurable medical supplies when the cost exceeds \$250 <u>per month</u> , except for home health agencies which are excluded from this requirement."
Page 941	Delete: L3216 L3220 L3221
Page 942	Delete: X5310
Page 942	Modify X5497 to read "PNI-prenatal health education I, high risk." Add: X 5497-22 PNI-prenatal health education II, high risk.
Page 943	Add: 15839 Excision, excessive skin and subcutaneous tissue (including lipectomy); <u>other areas</u>
Page 944	Add: 38230 Bone marrow harvesting for transplantation Delete: 38238
Page 946	Delete: 85120

## Minnesota State Retirement System

### Board of Directors, Regular Meeting

A meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, February 17, 1989 at 8:30 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

## Department of Transportation

### Notice of Appointment of a State Aid Standards Variance Committee and Open Meeting

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Standards Variance Committee who will conduct a meeting on Thursday, February 16, 1989, at 10:00 a.m. in room 411, Transportation Building, John Ireland Boulevard, St. Paul, Minnesota 55155.

This notice is given pursuant to *Minnesota Statutes* § 47k.705.

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3400 adopted pursuant to *Minnesota Statutes* 161 and 162.

The agency will be limited to these questions:

1. Petition of the City of St. Paul for a variance from minimum standards for a proposed construction project on MSAS 181 (Prior Avenue) between Summit Avenue and Marshall Avenue so as to permit a street width of 32' with parking on one side instead of the required width of 34' with parking on one side.

2. Petition of the City of St. Paul for a variance from minimum standards for a construction project which has been completed on MSAS 260 (Burlington Road) between Springside Road and Totem Road so as to permit parking on both sides of the street instead of restricting parking to the southwesterly side of the street as required.

3. Petition of the City of St. Paul for a variance from minimum standards for a construction project which has been completed, but final payment is withheld, on MSAS 126 (Chestnut Street) between West 7th Street and Smith Avenue so as to permit three fixed objects (utility poles) within the two foot clear zone, instead of maintaining the required clear zone free of any fixed object, thereby approving the project for final payment.

4. Petition of the City of South St. Paul for a variance from minimum standards for a proposed construction project on MSAS 104 (Marie Avenue) between 14th Avenue and 21st Avenue so as to permit a design speed of 25 miles per hour instead of the required design speed of 30 miles per hour at four crest vertical curves located at the intersections of 16th, 17th, 18th and 19th Avenues.

5. Petition of the City of Minneapolis for a variance from minimum standards for a construction project on MSAS 166 (Como Avenue) between 15th Avenue SE and 22nd Avenue SE so as to permit a street width of 44 feet, with parking permitted on both sides, instead of the required minimum width of 72 feet with parking permitted on both sides, or the required minimum width of 52 feet with no parking permitted on either side. The City proposes to ban parking on the north side between 15th and 16th Avenues SE during peak traffic hours (7-9 a.m. and 4-6 p.m.).

6. Petition of the County of Hennepin for a variance from minimum standards for a construction project on CSAH 17 (France Avenue) between 70th Street and 78th Street so as to permit a street width of 93 feet with no parking permitted instead of the required width of 95 feet (includes a 17' median) with no parking permitted.

7. Petition of the County of Hennepin for a variance from minimum standards for a construction project on CSAH 70 (Medicine Lake Road) between TH 169 (formerly CSAH 18) and CSAH 102 (Douglas Drive) so as to permit a street width of 48 feet with no parking permitted instead of the required street width of 52 feet with no parking permitted.

8. Petition of the County of Itasca for a variance from minimum standards for a construction project on CSAH 9 (Forest Highway 8) between 0.26 miles SW of the Cass-Itasca County line and 0.22 miles NE of the county line so as to permit a design speed of 30 miles per hour instead of the required design speed of 40 miles per hour at the curve east of Winnibigoshish Dam.

The cities and counties previously listed are requested to follow the following time schedule when appearing before the Variance Committee:

9:30 a.m.	City of South St. Paul
10:00 a.m.	City of St. Paul
10:40 a.m.	City of Minneapolis
11:00 a.m.	County of Hennepin
1:00 p.m.	County of Itasca

Dated: 3 February 1989

Leonard W. Levine  
Commissioner  
Minnesota Department of Transportation

## **State Board of Vocational Technical Education**

### **Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Rules for Licensure of Postsecondary Technical Education Personnel**

NOTICE IS HEREBY GIVEN that the State Board of Vocational Technical Education is seeking information or opinions from sources outside the agency in preparing to amend Chapter Thirty-Five: Rules for Licensure of Vocational Technical Education Personnel and specifically in Emerging Occupations: Environmental Technician, Swine Production, Dispensing Optician, Chiropractic Assistant, Public Safety Communicator (911), Radiologic Technology, EKG/Cardiac Technician, Physical Therapy Assistant, and revision of permanent rules in: Occupational Personal Development, Student Financial Aids Officer, and Medical Records. The promulgation of these rules is authorized by *Minnesota Statutes* §§ 136C.04, subd.9. and 125.185 subd.4.

## Official Notices

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The State Board of Vocational Technical Education requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit written statements of information or comment orally. Written comments should be addressed to:

Ms. Glenda Moyers  
State Board of Vocational  
Technical Education  
100 Capitol Square Bldg.  
550 Cedar Street  
St. Paul, MN 55101  
(612) 296-9444

Ms. Georgia Pomroy  
State Board of Vocational  
Technical Education  
100 Capitol Square Bldg.  
550 Cedar Street  
St. Paul, MN 55101  
(612) 296-3929

Oral Statements will be received during regular business hours over the telephone at (612) 296-3929 or in person at the above address.

All statements of information and comments shall be accepted until 4:30 p.m., Tuesday, March 14, 1989. Any written material received by the State Board of Vocational Technical Education shall become part of the record to be submitted to the Attorney General or Administrative Law Judge in the event the rule is adopted.

Helen Henrie, Deputy Director  
State Board of Vocational  
Technical Education

## State Contracts and Advertised Bids

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Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

## Department of Administration: Materials Management Division

### Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

**Commodity:** Photographic equipment  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date:** February 15  
**Agency:** Southwest State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20902

**Commodity:** Spotlight  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date:** February 15  
**Agency:** Southwest State University  
**Deliver to:** Marshall  
**Requisition #:** 26175 09347

**Commodity:** Specialty gases  
**Contact:** Don Olson 612-296-3771  
**Bid due date at 2pm:** February 15  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Repair parts-Kuhn mowers  
**Contact:** Dale Meyer 612-296-3773  
**Bid due date at 2pm:** February 15  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Tow groundmaster 72"  
self-propelled mower  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date:** February 16  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 26071 18470

**Commodity:** Upgrade to IGDS  
computer system  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** February 16  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79000 93984

## State Contracts and Advertised Bids

**Commodity:** Worthington 3UNB11 barber feed pump  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** February 16  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 26071 18480

**Commodity:** Inter-connectivity of statewide E-mail system(s)  
**Contact:** Don Olson 612-296-3771  
**Bid due date at 2pm:** February 16  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Laedal Resusci Annies & related repair  
**Contact:** Donnalee Kutchera 612-296-3776  
**Bid due date at 2pm:** February 16  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Implement tires  
**Contact:** Dale Meyer 612-296-3773  
**Bid due date at 2pm:** February 16  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Stillwater  
**Requisition #:** Price Contract

**Commodity:** Emergency deer feed-special formula packaged in 50 lbs. bags to be delivered to northern half of state after February 23, 1989  
**Contact:** Norman Kordell 612-297-3700  
**Bid due date at 2pm:** February 16  
**Agency:** Department of Natural Resources  
**Deliver to:** Various

**Commodity:** One ton truck with cargo van  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** February 16  
**Agency:** Military Affairs Department  
**Deliver to:** Little Falls  
**Requisition #:** 09000 05686

**Commodity:** Modular shell chairs  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** February 16  
**Agency:** Revenue Department  
**Deliver to:** St. Paul  
**Requisition #:** 67130 1033901

**Commodity:** Bio-ion system  
**Contact:** Joseph Gibbs 612-296-3750  
**Bid due date at 2pm:** February 17  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 07300 55004

**Commodity:** Meat & meat products for March 1989  
**Contact:** Joyce Dehn 612-296-2621  
**Bid due date at 2pm:** February 17  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** 78620 00271

**Commodity:** High speed electronic inserter  
**Contact:** Joyce Dehn 612-296-2621  
**Bid due date at 2pm:** February 17  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 21200 20214

**Commodity:** Herbicides  
**Contact:** Donnalee Kutchera 612-296-3776  
**Bid due date at 2pm:** February 17  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Printing paper  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 2pm:** February 17  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Computer equipment  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date:** February 21  
**Agency:** Vocational Technical Education Board  
**Deliver to:** St. Paul  
**Requisition #:** 99036 00705

**Commodity:** Printers—HP laser jet  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date:** February 21  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20914

**Commodity:** Epson computers  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date:** February 21  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20911

**Commodity:** Automated power file  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** February 21  
**Agency:** Pollution Control  
**Deliver to:** St. Paul  
**Requisition #:** 32200 19179

**Commodity:** Office seating  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** February 21  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20898

**Commodity:** NEC computers  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** February 21  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20912

**Commodity:** Interior signage system  
**Contact:** Joyce Dehn 612-296-2621  
**Bid due date at 2pm:** February 21  
**Agency:** Human Service  
**Deliver to:** St. Paul  
**Requisition #:** 55000 95792

**Commodity:** Fourier transform infrared spectrophometer  
**Contact:** Joseph Gibbs 612-296-3750  
**Bid due date at 2pm:** February 21  
**Agency:** Comm College  
**Deliver to:** Normandale, Bloomington  
**Requisition #:** 27156 10448

**Item:** Biodegradeable poly bags  
**Req. #:** Bernadette Vogel 612-296-3778  
**Awarded to:** February 22  
**Awarded amount:** Various  
**Awarded date:** Various  
**Expir/deliv date:** Price contract

## State Contracts and Advertised Bids

### Contract Awards—Materials Management Division

**Item:** Computer equipment

**Req.#:** 02320 93264 01

**Awarded to:** New Dimensions

Computer, Spring Lake Park, MN

**Awarded amount:** \$39,541.00

**Awarded date:** February 1, 1989

**Expir/deliv date:** February 18, 1989

**Shipped to:** Various Locations

**Item:** Training educational aids and devices

**Req.#:** 26073 20820 01

**Awarded to:** Lab Corp., Afton, MN

**Awarded amount:** \$76,750.00

**Awarded date:** February 1, 1989

**Expir/deliv date:** May 19, 1989

**Shipped to:** St. Cloud State University

**Item:** Furniture, office

**Req.#:** 26176 02890 01

**Awarded to:** Johnsons P M Inc., St. Paul, MN

**Awarded amount:** \$8,204.00

**Awarded date:** February 1, 1989

**Expir/deliv date:** March 15, 1989

**Shipped to:** Metropolitan State University

**Item:** Furniture, office

**Req.#:** 26176 02890 02

**Awarded to:** Surplus Office Supplies, St. Paul, MN

**Awarded amount:** \$6,550.20

**Awarded date:** February 1, 1989

**Expir/deliv date:** March 15, 1989

**Shipped to:** Metropolitan State University

**Item:** Tractor, wheeled industrial

**Req.#:** 29000 51454 01

**Awarded to:** Bennett Material Handling, Hopkins, MN

**Awarded amount:** \$18,261.00

**Awarded date:** February 1, 1989

**Expir/deliv date:** March 20, 1989

**Shipped to:** DNR—Northern Service Center

**Item:** Furniture, office

**Req.#:** 36000 14116 01

**Awarded to:** Facility Systems Inc., Minneapolis, MN

**Awarded amount:** \$9,424.20

**Awarded date:** February 1, 1989

**Expir/deliv date:** April 28, 1989

**Shipped to:** Board of Voc-Tech Education

**Item:** X-ray survey meters

**Req.#:** 78630 08357 01

**Awarded to:** Astrophysics Research Corp., White Plains, NY

**Awarded amount:** \$54,950.00

**Awarded date:** February 1, 1989

**Expir/deliv date:** March 3, 1989

**Shipped to:** Minnesota Correctional Facility

**Item:** Asbestos removal

**Req.#:** 02307 91353 01

**Awarded to:** All American Mechanical, St. Paul, MN

**Awarded amount:** \$14,836.00

**Awarded date:** February 2, 1989

**Shipped to:** Various Locations

**Item:** Laboratory supplies

**Req.#:** 12400 29185 01

**Awarded to:** Tecan, Hillsborough, NC

**Awarded amount:** \$30,720.00

**Awarded date:** February 2, 1989

**Expir/deliv date:** March 3, 1989

**Shipped to:** Minnesota Department of Health

**Item:** Telephone & telegraph equipment

**Req.#:** 27157 48072 01

**Awarded to:** Fujitsu Business, Minnetonka, MN

**Awarded amount:** \$22,500.00

**Awarded date:** February 2, 1989

**Expir/deliv date:** February 19, 1989

**Shipped to:** Inver Hills Community College

**Item:** Repair mechanical, vehicle

**Req.#:** 79990 00212 01

**Awarded to:** Lahass Manufacturing & Sales Inc., St. Paul, MN

**Awarded amount:** \$8,225.00

**Awarded date:** February 2, 1989

**Shipped to:** MnDOT, Central Shop

**Item:** Repair alteration to building

**Req.#:** 02310 16620 01

**Awarded to:** Energy Savings Devices Inc., St. Paul, MN

**Awarded amount:** \$6,319.80

**Awarded date:** February 3, 1989

**Expir/deliv date:** February 20, 1989

**Shipped to:** Brainerd Community College

**Item:** Telephone installation, large quantity

**Req.#:** 21200 19915 01

**Awarded to:** Action Telecom, Minneapolis, MN

**Awarded amount:** \$13,157.00

**Awarded date:** February 3, 1989

**Expir/deliv date:** February 28, 1989

**Shipped to:** Minnesota Department Jobs & Training

**Item:** Thermal conductivity analysis equipment

**Req.#:** 26072 01670 01

**Awarded to:** Temptronic Corp., Newton, MA

**Awarded amount:** \$7,480.01

**Awarded date:** February 3, 1989

**Expir/deliv date:** March 31, 1989

**Shipped to:** Moorhead State University



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## State Contracts and Advertised Bids

**Item:** Trailer, heavy duty  
**Req.#:** 29001 14197 01  
**Awarded to:** Redi Haul Trailer Inc.,  
Fairmont, MN  
**Awarded amount:** \$14,960.00  
**Awarded date:** February 3, 1989  
**Expir/deliv date:** March 7, 1989  
**Shipped to:** DNR Regional  
Headquarters

**Item:** Truck, ½ ton, 4 × 4 wide box 8 ft.,  
per  
**Req.#:** 29000 51483 01  
**Awarded to:** Thane Hawkins, White  
Bear, MN  
**Awarded amount:** \$85,652.00  
**Awarded date:** February 3, 1989  
**Expir/deliv date:** April 1, 1989  
**Shipped to:** DNR Regional  
Headquarters

**Item:** Truck, ½ ton, 4 × 4 wide box 8 ft.,  
per  
**Req.#:** 29000 51484 01  
**Awarded to:** Thane Hawkins, White  
Bear, MN  
**Awarded amount:** \$12,138.00  
**Awarded date:** February 3, 1989  
**Expir/deliv date:** April 1, 1989  
**Shipped to:** DNR—Northern Service  
Center

**Item:** Truck hd over 27,000 GVW  
**Req.#:** 79382 01585 01  
**Awarded to:** Boyer Ford Trucks,  
Minneapolis, MN  
**Awarded amount:** \$18,100.00  
**Awarded date:** February 3, 1989  
**Expir/deliv date:** February 5, 1989  
**Shipped to:** Minnesota Department of  
Transportation

**Item:** Accounting & calculating machine  
**Req.#:** 79000 92598 01  
**Awarded to:** Calculators Inc.,  
Minneapolis, MN  
**Awarded amount:** \$13,260.00  
**Awarded date:** February 3, 1989  
**Expir/deliv date:** February 21, 1989  
**Shipped to:** Minnesota Department of  
Transportation

**Item:** Repair alteration to building  
**Req.#:** 04131 91365 01  
**Awarded to:** Zenith Roofing Inc.,  
Duluth, MN  
**Awarded amount:** \$13,500.00  
**Awarded date:** February 6, 1989  
**Shipped to:** Minnesota Department of  
Agriculture

**Item:** Computer software for P.C.'s,  
purchase  
**Req.#:** 21200 20071 01  
**Awarded to:** Vertek, Bellevue, WA  
**Awarded amount:** \$5,360.00  
**Awarded date:** February 6, 1989  
**Expir/deliv date:** February 7, 1989  
**Shipped to:** Minnesota Department Jobs  
& Training

**Item:** Computer equipment  
**Req.#:** 22200 00638 01  
**Awarded to:** Digimax Inc., Eden Prairie,  
MN  
**Awarded amount:** \$7,000.00  
**Awarded date:** February 6, 1989  
**Expir/deliv date:** March 7, 1989  
**Shipped to:** Trade & Economic  
Development

**Item:** Computer, personal computers  
**Req.#:** 27158 91012 01  
**Awarded to:** Currentech Computer,  
Plymouth, MN  
**Awarded amount:** \$18,160.00  
**Awarded date:** February 6, 1989  
**Expir/deliv date:** February 18, 1989  
**Shipped to:** Mesabi Community College

**Item:** Box  
**Req.#:** 29003 05020 01  
**Awarded to:** Stone Container Corp., St.  
Paul, MN  
**Awarded amount:** \$34,394.00  
**Awarded date:** February 6, 1989  
**Expir/deliv date:** March 1, 1989  
**Shipped to:** Various Locations

**Item:** Janitorial & refuse disposal  
service  
**Req.#:** 75200 30246 01  
**Awarded to:** Browning Ferris Industries,  
Eden Prairie, MN  
**Awarded amount:** \$44,450.00  
**Awarded date:** February 6, 1989  
**Shipped to:** Minnesota Veterans Home

**Item:** Laundry & dry cleaning  
equipment  
**Req.#:** 78830 09647 01  
**Awarded to:** Business Development,  
Minneapolis, MN  
**Awarded amount:** \$12,865.00  
**Awarded date:** February 6, 1989  
**Expir/deliv date:** March 10, 1989  
**Shipped to:** Minnesota Correctional  
Facility

**Item:** Electronic component parts &  
accessories  
**Req.#:** 79000 93904 01  
**Awarded to:** Riddle Control Products,  
Minnetonka, MN  
**Awarded amount:** \$10,328.50  
**Awarded date:** February 6, 1989  
**Expir/deliv date:** April 6, 1989  
**Shipped to:** MnDOT, Electrical Services

**Item:** Road clearing & cleaning  
equipment  
**Req.#:** 79382 01565 01  
**Awarded to:** Little Falls Machine, Little  
Falls, MN  
**Awarded amount:** \$6,480.00  
**Awarded date:** February 6, 1989  
**Expir/deliv date:** June 1, 1989  
**Shipped to:** Various Locations

**Item:** Road clearing & cleaning  
equipment  
**Req.#:** 79382 01566 01  
**Awarded to:** Little Falls Machine, Little  
Falls, MN  
**Awarded amount:** \$7,785.00  
**Awarded date:** February 6, 1989  
**Expir/deliv date:** June 1, 1989  
**Shipped to:** Various Locations

**Item:** Road clearing & cleaning  
equipment  
**Req.#:** 79382 01567 01  
**Awarded to:** Little Falls Machine, Little  
Falls, MN  
**Awarded amount:** \$11,550.00  
**Awarded date:** February 6, 1989  
**Expir/deliv date:** June 1, 1989  
**Shipped to:** Various Locations

## State Contracts and Advertised Bids

**Item:** Road-clearing & cleaning equipment  
**Req.#:** 79382 01568 01  
**Awarded to:** Little Falls Machine, Little Falls, MN  
**Awarded amount:** \$5,440.00  
**Awarded date:** February 6, 1989  
**Expir/deliv date:** June 1, 1989  
**Shipped to:** Minnesota Department of Transportation

**Item:** Construction & highway maintenance equipment  
**Req.#:** 79382 01542 01  
**Awarded to:** Long Lake Ford Tractor, Long Lake, MN  
**Awarded amount:** \$82,772.00  
**Awarded date:** February 6, 1989  
**Expir/deliv date:** June 1, 1989  
**Shipped to:** Various Locations

**Item:** General construction (remodeling)  
**Req.#:** 79000 92909 01  
**Awarded to:** Molin Concrete, Lino Lakes, MN  
**Awarded amount:** \$5,324.00  
**Awarded date:** February 6, 1989  
**Expir/deliv date:** February 25, 1989  
**Shipped to:** Minnesota Department of Transportation

**Item:** General construction (remodeling)  
**Req.#:** 79000 92909 02  
**Awarded to:** Molin Concrete, Lino Lakes, MN  
**Awarded amount:** \$5,324.00  
**Awarded date:** February 6, 1989  
**Expir/deliv date:** February 25, 1989  
**Shipped to:** Minnesota Department of Transportation

**Item:** Auto, trucks, vans for clients only  
**Req.#:** 21607 77131 01  
**Awarded to:** Haugen Brown Ford, Farmington, MN  
**Awarded amount:** \$8,706.53  
**Awarded date:** February 7, 1989  
**Expir/deliv date:** May 15, 1989  
**Shipped to:** Various Locations

**Item:** Auto, trucks, vans for clients only  
**Req.#:** 21605 66672 01  
**Awarded to:** Haugen Brown Ford, Farmington, MN  
**Awarded amount:** \$12,606.00  
**Awarded date:** February 7, 1989  
**Expir/deliv date:** May 18, 1989  
**Shipped to:** Various Locations

**Item:** Harvesting equipment  
**Req.#:** 29003 05051 01  
**Awarded to:** Bartschi of America Inc., Grand Haven, MI  
**Awarded amount:** \$18,824.00  
**Awarded date:** February 7, 1989  
**Expir/deliv date:** March 1, 1989  
**Shipped to:** Various locations

**Item:** Laboratory supply  
**Req.#:** 79000 93911 01  
**Awarded to:** Humboldt Manufacturing Co., Norridge, IL  
**Awarded amount:** \$5,700.00  
**Awarded date:** February 7, 1989  
**Expir/deliv date:** February 15, 1989  
**Shipped to:** Minnesota Department of Transportation

**Item:** Tensile strength testers  
**Req.#:** 79000 93915 01  
**Awarded to:** Satec Systems Inc., Grove City, PA  
**Awarded amount:** \$5,295.00  
**Awarded date:** February 7, 1989  
**Expir/deliv date:** May 8, 1989  
**Shipped to:** Minnesota Department of Transportation

**Item:** Autoclaves  
**Req.#:** 79000 93918 01  
**Awarded to:** Reinhart Co., Austin, TX  
**Awarded amount:** \$7,378.00  
**Awarded date:** February 7, 1989  
**Expir/deliv date:** May 8, 1989  
**Shipped to:** Minnesota Department of Transportation

## Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

**Commodity:** Metropolitan State University Graduate Program Brochure, 5M + additional while on press, 8½" × 11" folded to 4¼" × 11", camera ready, 16 pages + cover, 11" × 17" insert with perf, saddle stitch  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 14  
**Agency:** Metropolitan State University  
**Deliver to:** St. Paul  
**Requisition #:** 4826

**Commodity:** Annuity receipt card, 30M, type to set, 2-sided, continuous form 7" × 3½" with tear strips, manila tag, fan fold 3-up  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 14  
**Agency:** State Retirement System  
**Deliver to:** St. Paul  
**Requisition #:** 4476

**Commodity:** Application: consumption display, 1,200 sheets 9½" × 14" with pin feeds, fan fold 2-up continuous form negs furnished 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 14  
**Agency:** Public Safety Department—Liquor Control  
**Deliver to:** St. Paul  
**Requisition #:** 4531

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## State Contracts and Advertised Bids

**Commodity:** Letterhead, 75M  
9½" × 11" with tear strips, two part,  
two ply continuous, type to set

**Contact:** Printing Buyer's Office

**Bids are due:** February 14

**Agency:** State University

**Deliver to:** St. Cloud

**Requisition #:** 4860

**Commodity:** Container labels: fluoride  
testing, 5M 3½" × 6", camera ready,  
1-sided, Fasson brand Pli-a-Print or  
equivalent with adhesive

**Contact:** Printing Buyer's Office

**Bids are due:** February 14

**Agency:** Minnesota Department of  
Health

**Deliver to:** Minneapolis

**Requisition #:** 4818

**Commodity:** Patient immunization  
history, 21M 5½" × 6¼" camera ready,  
1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** February 14

**Agency:** Minnesota Department of  
Health

**Deliver to:** Minneapolis

**Requisition #:** 4817

**Commodity:** Report of grades, 50M  
continuous form 3 ply, 10-15/16"  
× 4¼" includes pinfeed, camera ready

**Contact:** Printing Buyer's Office

**Bids are due:** February 14

**Agency:** Southwest State University

**Deliver to:** Marshall

**Requisition #:** 4861

**Commodity:** 1989 summer bulletin,  
81,800 48 page self cover, 8" × 10½",  
camera ready, 2-sided, newsprint

**Contact:** Printing Buyer's Office

**Bids are due:** February 14

**Agency:** State University

**Deliver to:** Winona

**Requisition #:** 4690

**Commodity:** Braille duplicate covers,  
10M, 11" × 11¾", camera ready

**Contact:** Printing Buyer's Office

**Bids are due:** February 14

**Agency:** Jobs & Training Department

**Deliver to:** St. Paul

**Requisition #:** 4493

**Commodity:** Contractual services form,  
4M 6-part form, 8½" × 14¾" overall  
includes ¾" top, negs available, 2-  
sided

**Contact:** Printing Buyer's Office

**Bids are due:** February 14

**Agency:** Administration Department:  
Central Stores

**Deliver to:** St. Paul

**Requisition #:** 4798

**Commodity:** Reports—determine  
liability & succession, 20M 4-part  
sets, 9" × 11", negs furnished, 2-sided

**Contact:** Printing Buyer's Office

**Bids are due:** February 14

**Agency:** Jobs & Training Department

**Deliver to:** St. Paul

**Requisition #:** 4465

**Commodity:** Door knob tag, 20M  
4" × 7¼", 1-sided, type to set, die cut  
for knob

**Contact:** Printing Buyer's Office

**Bids are due:** February 14

**Agency:** Boating Safety Workbook &  
Test, Board of Electricity

**Deliver to:** St. Paul

**Requisition #:** 4586

**Commodity:** Boating safety workbook  
& test, 25M 12 pages + cover,  
5½" × 8½" approx., negs furnished, 2-  
sided

**Contact:** Printing Buyer's Office

**Bids are due:** February 14

**Agency:** Natural Resources Department

**Deliver to:** St. Paul

**Requisition #:** 4141

**Commodity:** E48 envelopes, 5M  
12" × 16" expansion, 1-sided, string  
tied, negs furnished

**Contact:** Printing Buyer's Office

**Bids are due:** February 14

**Agency:** Transportation Department

**Deliver to:** St. Paul

**Requisition #:** 4478

**Commodity:** Inspection reports, 500  
books 200 pages, 6" × 9" w/top &  
bottom stub, 4-part forms, camera  
ready, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** February 16

**Agency:** Board of Electricity

**Deliver to:** St. Paul

**Requisition #:** 4585

**Commodity:** Record of drivers license  
exam, 500M 3-part snapout, 8" × 5"  
detached, camera ready, preprinted  
numbering

**Contact:** Printing Buyer's Office

**Bids are due:** February 16

**Agency:** Public Safety Department

**Deliver to:** St. Paul

**Requisition #:** 4524

**Commodity:** Drivers license envelope,  
50M 8⅞" × 4¼", type to set, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** February 16

**Agency:** Public Safety Department

**Deliver to:** St. Paul

**Requisition #:** 4525

**Commodity:** Work registration  
information, 10M 2-part sets,  
8½" × 14" detached, negs furnished,  
1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** February 16

**Agency:** Human Services Department

**Deliver to:** St. Paul

**Requisition #:** 4907

**Commodity:** Pan tickets, two kinds:  
official pan ticket, 100M 6-part sets,  
3½" × 5" detached, and submitted pan  
ticket, 100M 6-part sets, 3½" × 5"  
detached

**Contact:** Printing Buyer's Office

**Bids are due:** February 16

**Agency:** Agriculture Department

**Deliver to:** Minneapolis

**Requisition #:** 4784&5

## State Contracts and Advertised Bids

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**Commodity:** Uniform traffic ticket, 50M 5-part set, 4¼" x 9¼" overall, 2-sided, preprinted numbering, double stub tabs left/right, 20 sets per book, 2 stitches, with printed front flap cover

**Contact:** Printing Buyer's Office

**Bids are due:** February 17

**Agency:** State Patrol, Public Safety Dept.

**Deliver to:** St. Paul

**Requisition #:** 4562

**Commodity:** Mailing label, 20 rolls of 500 each, 3½" x 5", camera ready, kiss cut, matte stock, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** February 17

**Agency:** Trade & Economic Development Dept.

**Deliver to:** St. Paul

**Requisition #:** 4801

## Contract Awards—Print Communications Division

**Item:** NDSL billing form

**Req. #:** 4297

**Awarded to:** Varco Inc., St. Paul

**Amount:** \$4,607.50

**Date:** February 7

**Deliver to:** Community College System, St. Paul

**Delivery date:** 49 days

**Item:** Request for funds

**Req. #:** 4373

**Awarded to:** Action Business Forms, Minneapolis

**Amount:** \$739.00

**Date:** February 7

**Deliver to:** Community College System, St. Paul

**Delivery date:** 30 days

**Item:** Application information

**Req. #:** 4405

**Awarded to:** Georgene Bergstrom Company, Minneapolis

**Amount:** \$8,242.00

**Date:** February 2

**Deliver to:** Human Services Department, St. Paul

**Delivery date:** 30 days

**Item:** Daanes detox information

**Req. #:** 4406

**Awarded to:** Pauly Business Forms, Plymouth

**Amount:** \$1,870.75

**Date:** February 7

**Deliver to:** Human Services Department, St. Paul

**Delivery date:** 28 days

**Item:** Embargoed tags

**Req. #:** 4419

**Awarded to:** Hawkenen Printing, St. Paul

**Amount:** \$165.00

**Date:** February 7

**Deliver to:** Agriculture Department, St. Paul

**Delivery date:** 15 working days

**Item:** Tyvec bags

**Req. #:** 4457

**Awarded to:** Heinrich Envelope Corp., Minneapolis

**Amount:** \$5,489.65

**Date:** February 7

**Deliver to:** Administration Department: PrintComm Division, St. Paul

**Delivery date:** 40 working days

**Item:** Requisition for motor pool vehicle

**Req. #:** 4606

**Awarded to:** Pauly Business Forms, Plymouth

**Amount:** \$728.76

**Date:** February 7

**Deliver to:** Administration Department: Central Stores, St. Paul

**Delivery date:** 28 days

**Item:** Notice of benefits charged to reimbursable account

**Req. #:** 4610

**Awarded to:** Pauly Business Forms, Plymouth

**Amount:** \$359.40

**Date:** February 7

**Deliver to:** Jobs & Training Department, St. Paul

**Delivery date:** 28 days

### Subscription Services

Minnesota's Bookstore offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 20.00	90-3	State Register, 1 year	\$130.00	90-1
Career Opportunity Bulletin, 6 mos.	\$ 15.00	90-4	State Register, 3 mos. trial can be converted to a full subscription for \$90 at end of trial	\$ 40.00	90-2
Human Services Informational and Instructional Bulletin	\$100.00	90-6	Tax Court/Property Decisions	\$225.00	90-11
Human Services Bulletin List	\$ 50.00	90-7	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
PERB (Public Employee Relations Board) Awards and Decisions	\$350.00	90-9	Workers Compensation Decisions Vol. 40	\$105.00	
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**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. *Prices are subject to change.*

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

## Office of the Attorney General

### State Sale of Surplus Property

The Commissioner of Administration is offering for sale, by sealed bid, a surplus building and underlying land located at 449 East Seventh Street, St. Paul, Minnesota. This parcel will be sold on the basis of highest offer received which meets all state bid requirements.

All bids must be submitted by 2:00 p.m. on March 17, 1989, to the Department of Administration, Real Estate Management Division, 50 Sherburne Avenue, Room 309, St. Paul, Minnesota 55155. For bid requirements, information and forms, contact Steve Mackenthun at the above address or at (612) 296-2278.

## Department of Commerce

### Notice of Request for Proposals for Services to be Provided to the Minnesota Workers' Compensation Assigned Risk Plan on Behalf of the Minnesota Department of Commerce by Investment Management and Financial Organizations Qualified to Make Investments and Prepare Reports

The Department of Commerce intends to contract with one or more organizations to provide the services according to the specifications issued. The contract period will begin on May 1, 1989 and continue through May 31, 1989.

Interested parties should call (612) 297-2669 to obtain the formal Request for Proposals (RFP).

Any questions relating to the RFP, or the services to be provided, should be directed to:

Mr. Hollice Allen, Jr.  
Department of Commerce  
500 Metro Square Building  
St. Paul, Minnesota 55101  
(612) 296-2449

Proposals must be submitted by 4:30 p.m., April 13, 1989.

## **State Contracts and Advertised Bids**

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### **Department of Education**

#### **Instructional Effectiveness Division**

#### **Request for Printing Services for Fiscal Year 1989**

The Office of Assessment and Program Evaluation requires printing services in line with the conduct of statewide testing in the area of mathematics. The following services are required: developing and printing 10,000 mathematics test booklets each in the areas of Algebra II, Geometry, and Advanced Topics (each booklet will be approximately 12 two pages in length, covers will be different colors).

For additional information contact:

Dr. William B. McMillan, Manager  
Office of Assessment and Program Evaluation  
Room 730 — Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
(612) 296-6002

Formal bids will be processed through the State Department of Administration and should be received no later than March 3, 1989.

### **Minnesota Historical Society**

#### **Advertisement for Bids for Printing, Binding, and Mailing of the 1989 Spring/Summer Catalog of Publications**

##### **BIDS**

Sealed bids for the printing, binding, and mailing of the Minnesota Historical Society's 1989 Spring/Summer Catalog of Publications, in accordance with specifications prepared by the Minnesota Historical Society, will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 until 2:00 p.m., on February 28, 1989, at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., February 28, 1989, will be returned unopened.

##### **BID SECURITY**

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, in the sum of not less than 5% of the total bid, payable without condition to the Minnesota Historical Society, which is submitted as bid security.

##### **SPECIFICATIONS**

Copies of bidding documents for preparation of bids may be obtained by contacting Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155.

##### **CONDITIONS OF BIDS**

The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. No bid may be withdrawn within thirty (30) days after the scheduled closing time for the receipt of bids.

### **Department of Human Services**

#### **Notice of Availability of Contract for Consultant Services of Expert in Actuarial Science and HMO Rate Setting**

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is seeking applications for professional services from recognized experts in actuarial science and HMO rate setting to consult with the Health Care Management Division, Managed Care Unit on Medicaid capitation rate setting. The contractor will provide assistance to professionals working with the Minnesota Medical Assistance (Medicaid) and General Assistance Medical Care Programs. Assistance in rate setting will include the following:

1. Review of Medicaid capitation rates for contract year 1990. Review will include an examination of the rate setting methodology and actuarial soundness of proposed rates.

2. Consultation on Medicaid capitation rate setting for contract years 1991 and beyond, including advising department staff of alternatives to historical rate setting.

The contract will be effective for one year beginning on or after March 1, 1989 and may be renewed thereafter, at the discretion of the Department. The total contract price will not exceed \$9,500.

Interested persons must submit a written response containing the following:

1. Description of professional qualifications, including:

- Educational background;
- Professional qualifications and experience in actuarial science and HMO rate setting;
- Academic achievement, including publications in professional journals in relevant areas of actuarial science, and experience as professor at a college or university;

- Previous consulting experience in areas of expertise;

- Experience in the insurance actuarial field;

2. A statement indicating work hours available;

3. A statement indicating the hourly payment rate required; and

4. A writing sample indicating ability to communicate technical concepts clearly to professionals in other fields.

All written responses received by the deadline will be evaluated according to the following criteria:

1. Relevant education and experience.

2. Communications skills.

3. Proposed hourly rate.

4. Availability to begin work immediately.

The Department may consider any previous contracting history with the State of Minnesota in selecting a contractor. Evaluation and contractor selection will be completed by March 1, 1989. All responders will receive written notice of the results. The Department is not obligated in any way by this notice and reserves the right to reject all proposals if such action is determined to be in the best interests of the Department.

All written responses must be received by the Department no later than 4:30 p.m. Tuesday, February 21, 1989. Responses and inquiries must be directed to:

Kathleen E. Heuer, Manager  
Prepaid Medicaid Demonstration Project  
Department of Human Services  
Health Care and Residential Programs  
444 Lafayette Road  
St. Paul, MN 55155-3854  
(612) 297-4668

## **Human Services Department**

### **Request for Proposals for Chemical Dependency Treatment Program for Women and Their Children**

The Chemical Dependency Program Division of the Department of Human Services is requesting proposals for the development of residential or non-residential chemical dependency treatment services for women and their children (ages 0-12) to facilitate breaking the addictive cycle. A total of \$200,000 is available for one or more grantees. The funded programs would begin on or about August 1, 1989 and continue for a minimum of one year. The funding could continue for a second year upon availability of funds and adequate program performance.

Copies of this RFP and the grant application form can be obtained by contacting Dorrie Hennagir, CDPD Grants Manager, at 612/296-4617.

## State Contracts and Advertised Bids

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### Board of Medical Examiners

#### Request for Proposals for Standard of Practice for Controlled Substance Prescription Study

The Minnesota Board of Medical Examiners is requesting proposals for a study to describe the prevailing standard of practice in the prescription of all categories of controlled substances, including benzodiazepines, opioids, and anorectics.

A total of up to \$50,000 is available to a single contractor, which shall provide a completed study report no later than October 31, 1989.

Proposals to this RFP must be submitted no later than 4:30 p.m. March 20, 1989. The mailing address is as follows:

**BOARD OF MEDICAL EXAMINERS  
2700 UNIVERSITY AVE. W.  
ST. PAUL, MN 55114-1080**

A bidders' conference is scheduled for 9:00 a.m. March 1, 1989 in the Medical Board's Conference Room at 2700 University Ave. W., St. Paul, MN 55114-1080.

Telephone requests for information regarding this RFP should be directed to either H. Leonard Boche or Richard Auld at 642-0538.

#### I. PURPOSE

The purpose of this study is to provide a description of the prevailing community standards of practice with respect to the prescription of all categories and schedules of controlled substances within all of the recognized clinical specialties and sub-specialties of medicine. The product expectations of this RFP is a study report to be submitted to the Board offices on or before October 31, 1989, which shall reflect the expertise of recognized authorities in all of the appropriate clinical specialties and sub-specialties, chemical dependency recovery professional, and representatives from the consuming public. Minimum representation of the clinical specialties shall include:

1. The primary care specialties of:
  - Family Practice
  - Internal Medicine
  - Pediatrics
  - Obstetrics
2. The surgical specialties and sub-specialties
3. The medical specialties such as:
  - Neurology
  - Endoscopy
  - Gastroenterology
  - Cardiology
  - Endocrinology
  - Rheumatology
  - Oncology
4. Psychiatry

#### II. ELIGIBLE APPLICANTS

Applicants will be accepted from any individual or organization which has no financial ties to any drug manufacturing, distribution or retail firm.

#### III. SCOPE OF WORK

1. Identify and organize a working group of experts from among the various clinical specialties and sub-specialties, chemical dependency recovery professionals, and from among the consuming public. Applicants are encouraged to fully identify the proposed working group. No contract will be signed without full identity of a working group acceptable to the Board.

2. Formulate a study plan which will provide descriptions of the prevailing community standards for prescription of all categories and all schedules of controlled substances within the various clinical specialties and sub-specialties of medicine, as applied to age groups (i.e., pediatric, adult, geriatric) and gender. Such description of the prevailing standards shall contain a discussion of the factors which would tend to modify a given treatment regimen to conform properly to varying clinical factors.



3. Provide a preliminary report to the Board of Medical Examiners on June 15, 1989. Payment of 60% of contract amount will be made upon receipt of an acceptable report.
4. Provide a final report to the Board on or before October 31, 1989. Final payment of full contract amount will be made upon receipt of an acceptable final report.
5. Provide monthly executive summary progress reports due on the first of each month of the project.

#### **IV. GENERAL INSTRUCTIONS**

Proposals must contain a complete study design, with a listing of types of expertise to be utilized, sources of the expertise, types of data to be utilized, sources of the data, time projections for progress in the study, monthly expense projections, final expense estimates, report writing procedures, management and control procedures, statement of experience and expertise in the area of conducting such studies, statement of the organization's past history in the conduct of such studies, a listing of previously completed studies and a listing of work in progress.

#### **V. SELECTION CRITERIA AND REVIEW PROCESS**

Proposals will be reviewed using the following criteria:

1. Thoroughness and appropriateness of study design
2. Capacity of applicant to accomplish objectives in the time specified
3. Prior experience of the applicant in the conduct of such studies
4. Thoroughness and appropriateness of proposal for identification and organization of the working group
5. Applicant's knowledge and experience in dealing with issues related to clinical applications of controlled substance pharmacology
6. Applicant's knowledge and experience in dealing with the medical profession
7. Applicant's demonstrated experience in dealing with community and consumer groups and with issues pertaining to the consumption of medical services
8. Applicant's knowledge and experience in dealing with issues related to chemical addiction
9. Applicant's overall knowledge and experience in project administration
10. Applicant's competitive pricing of the study proposal.

#### **VI. REVIEW PROCESS**

All proposals will be evaluated by Board staff, which will make a recommendation to the Board's Public Policy Committee. The Public Policy Committee was empowered to act on behalf of the Board at the 1/11/89 Board meeting, and will make the final selection.

The Board of Medical Examiners and the State of Minnesota reserve the right to reject any and all proposals submitted in response to this RFP, and to reallocate funds contemplated for the purpose of this RFP to another purpose. The Board of Medical Examiners and the State of Minnesota shall not be held responsible for any costs incurred in the preparation or submission of proposals in response to this RFP.

## **Public Utilities Commission**

### **Request for Proposals for the Scanning of Commission Orders and Other Documents**

#### **I. General Description of Job:**

- A. Scanning of an estimated 20,000,000 characters
  1. Estimated 3000 characters/page.
- B. General condition of documents to be scanned.
  1. Done in a variety of type styles
    - a. All in 6 lines per inch.
    - b. Some in 10 pitch type with 12 pitch spacing

## State Contracts and Advertised Bids

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2. Paper Size
  - a.  $8\frac{1}{2} \times 11$
  - b.  $8\frac{1}{2} \times 14$
3. Margins
  - a. Minimum of 1/2 inch for left and right margins.
  - b. Top & bottom margins 1/2 inch or less.

### II. Important Features Required:

- A. All numbers are to appear as ASCII #s and all letters are to appear as letters (i.e. 1s to appear as 1s not ls and 0s to appear as 0s not Os).
- B. All documents must be edited to correct for scanning errors.
- C. All pages to be scanned must appear the same in the final electronic document. Text in the original document must appear on the same page in the final electronic document.
- D. Final scanned and edited electronic document must be in WordPerfect format with, at minimum, margin settings and page length settings.
- E. A schedule of planned completion should be submitted. Maximum time should be no more than nine months.
- F. The bidder is responsible for pick up and delivery of these documents. The bidder must submit, in writing, a plan for handling these documents and assuring the Commission that these documents will not be lost or damaged.

### III. Request for Bid Response Content:

- A. Bids must be expressed as a cost per 3000 characters for:
  1. scanning, pickup and delivery;
  2. editing.
- B. Bidders must explain, in writing, their ability to handle different fonts and pitches.
- C. Bidders must explain, in writing, how they intend to comply with the editing features requested.
- D. Bidders must outline their plan, in writing, for keeping track of documents received and returned for scanning.
- E. Bidders shall provide references from similar projects.

### IV. Criteria for Bid Selection:

- A. Separate cost per three thousand characters for:
  1. scanning, pickup and delivery;
  2. editing.
- B. The Commission shall judge the qualifications of bidders and the ability to successfully complete the job in accordance with these specifications. This judgement will be made by the Commission based on the written response of the bidders and on the Commission's knowledge of the project. The Commission's judgment in this regard will be final.

### V. Schedule of Payments:

The Commission will make monthly payments, based on approved monthly invoices from the bidder.

The Department has budgeted \$20,000.00 for all costs associated with this project.

Questions concerning this project may be referred to John Lindell at (612) 297-1398.

Proposals must be submitted to John Lindell, Minnesota Public Utilities Commission, 780 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101. Proposals must be postmarked no later than March 17, 1989.

# Announcements

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**Environmental Quality Board (EQB):** Environmental Assessment Worksheet (EAW) comments are due March 8 for the following projects to their corresponding regional governing units (RGU): Aspen Residential Development, City of Oakdale; Olson Lake Estates, City of Oakdale; Wedgewood Commerce Centre Retail Project, City of Maple Grove; Minnesota History Center, Capitol Area Architectural and Planning Board; West Central Trunk Sewer and Water, City of Lino Lakes; Centerville Road, TH 96 to County Rd J, Ramsey County Public Works Department; and Boise Cascade International Falls Mill Expansion, Minnesota Pollution Control Agency (MPCA). • EAW petitions have been received on the following projects by the accompanying governing unit: Eagan Storm Sewer Project 543R, City of Eagan; Grover Brothers Fish Hook Lake Development, Hubbard County. • At its January 19 meeting the EQB considered a petition asking for preparation of an EAW on a proposal by Crop Genetics International to field test a genetically engineered bacteria in sweet corn near Stanton, Minn. The bacteria to be tested had been modified to be toxic to the corn borer. The EQB ordered preparation of an EAW and assigned the Minn. Dept. of Agriculture to be the RGU. • Comment period ends March 8 on the Environmental Assessment Review for TH 200 improvements in Hubbard County, with a public meeting scheduled March 2 from 4-7 pm in the Kabekona Community Church. Contact R. E. Wolfe c/o MnDOT, P.O. Box 490, Bemidji, MN 56601. • The Minn. Dept. of Agriculture has issued Special Local Need (SLN) registrations for "Menthol," a substance declared exempt from residue tolerances by the U.S. EPA. Registration permits use for bee management. Comments are being taken by Calvin Blanchard, Minn. Dept. of Agriculture, Agronomy Services Division, 90 W. Plato Blvd., St. Paul, MN 55107. • EQB staff are seeking comments and suggestions in revising the EAW form and the guidance document, "EAW Guidelines." Contact EQB staff, 300 Centennial Office Bldg., 658 Cedar Street, St. Paul, MN 55155 (612) 296-8253.

**Metropolitan Council:** Applications are being accepted by the Metro Council for a Precinct D representative to the Transportation Advisory Board. Precinct D includes Council Districts 6 and 10, covering northern Hennepin County communities. The board advises the Metro Council on transportation matters involving the regional highway, public transit and airport systems. The board also assists the Minn. Dept. of Transportation, Regional Transit Board, counties and cities to carry out transportation planning and programming for the region. For information and applications, call Diane Parsons-Freeberg at 291-6350.

**Written Notice Before Plant Closing:** The federal Worker Adjustment and Retraining Notification Act went into effect Saturday, Feb. 4, and requires businesses to notify workers, unions and state and local officials 60 days in advance of plant closings and mass layoffs. The law applies to any employer with 100 or more employees who plans to lay off approximately one-third of the plant's work force. Employers who plan to close plants or lay off large numbers of workers must give 60-day advance written notice to: the union that represents workers or if they are not represented by a union, then each worker individually; the State Dislocated Worker Unit—attn: Don Mohawk, director, State Job Training office, 690 American Center Bldg., 150 E. Kellogg Blvd., St. Paul, MN 55101; and the chief elected official of the local government where the plant is located.

**Pesticide Container Danger:** A potential source of ground water contamination from unrinsed and improperly discarded pesticide containers has resulted in the formation of a Minnesota Pesticide Container Advisory Committee to coordinate efforts regarding proper pesticide container management. The first phase of the committee's work will be an educational effort to develop an awareness program encouraging proper rinsing and management of the empty pesticide containers. For more information contact Rick Hanson, Minn. Dept. of Agriculture (612) 296-5136 or Dean Herzfield, Minn. Extension Service (612) 625-6290.

**Minnesota Commodity Council Elections:** Minnesota Commodity Council Elections for the Corn, Beef, Dairy, Soybean and Wheat Research and Promotion Councils are set for Tuesday, March 21. Eligible farm producers will be electing 26 members to the five councils. Eleven council members will be elected to the Dairy Research and Promotion Council, five members to the Beef Research and Promotion Council, four members to the Soybean Research and Promotion Council, three members each to the Corn and Wheat Research and Promotion Councils. Polls will be open in all Minnesota Extension Offices, except those in Cook and Lake Counties with hours running from 8:30 a.m.-3:30 p.m. Complete details of the March 21 election will be published in the March 4 edition of The Farmer magazine.

**Arts Board:** The Minnesota Percent for Art in Public Places Programs will convene an open meeting of the Site Selection Committee for the new Judicial Center in St. Paul. The committee will meet in the Supreme Court Chambers at the State Capitol (10 am-Noon/1-4 pm March 2 and 9:30 a.m.-3 p.m. March 3) to review the design proposals of five artist finalists for the East Capitol Plaza adjacent to the building. A second site selection committee meeting with three artist finalists for the Minnesota History Center project will convene to continue discussion of the design process for this new building. The meeting will be held Wednesday 8 March from 1-4:30 p.m. in Butler Room 326 at the Landmark Center in St. Paul.

## Department of Commerce Regulated Profession Publications

**Banking Laws 1988.** Complete text of state law governing banks, trust companies and other financial institutions. Code #2-76 \$33.95  
**Business and Nonprofit Corporation Act 1988.** Laws governing establishment and conduct of for-profit and non-profit corporations in Minnesota. Chapters 80B, 302A, 317. Code #2-87 \$11.00  
**Fair Labor Standards Act 1987.** Minimum wage and overtime compensation standards for employers. Chapter 177. Code #2-75 \$5.00  
**Insurance Laws 1987.** A compendium of laws applicable to the insurance business. Includes chapters on company and individual agents licensing requirements. Code #2-1. \$20.00  
**Insurance Rules 1987.** Essential licensing information for businesses and agents. Includes standards on policies, practices, marketing and continuing education. Code #3-1 \$15.00  
**Notary Public Laws 1987.** Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of the office and procedures for removal from office. Code #2-13 \$4.00

**Real Estate Laws 1988.** Complete and up-to-date extract from the 1986 Minnesota Statutes. Code #2-92 \$7.00  
**Real Estate Rules 1987.** Contains all education and licensing requirements for agents. Chapters 2800.2805, and 2810. Code #3-99 \$8.00  
**Securities Laws 1987.** Governs the activities of broker/dealers, agents or investment advisors. Chapter 80A. Code #2-12 \$6.00  
**Securities Rules 1988.** Subjects include standards of conduct, equity securities, investment companies and more. Chapter 2875. Code #3-5 \$14.00  
**Banking Rules 1987.** Code #3-81. \$6.00  
**Uniform Commercial Code 1986.** Chapter 336, U.S. laws governing trade, including contracts, title, payment, warranties, performance and liability. Code #2-2 \$10.00  
**Mailing Lists.** All kinds available. Call to receive a copy of mailing list service packet, (612) 297-2552.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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## Pheasants in Minnesota

**Pheasants in Minnesota**, focusing exclusively on the ringneck pheasant, this DNR booklet tells of this popular game bird's origin, introduction and development in Minnesota. Through many full-color photos the book shows the pheasant in various settings, tells how to maintain wildlife habitat and explains the wise management of the hunt. A great gift for each member of your hunting party, or as a memento to a special Minnesota hunting vacation. Quantity discounts available. Code #9-13, \$5.95.

**Woodworking for Wildlife**, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, \$3.95.



**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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### TO ORDER:

Complete attached order blank. Include either your VISA/MasterCard number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your VISA/MasterCard or if you have a customer deposit account. Please include a phone number where you can be reached during the day in case we have questions about your order.

Please include 6% sales tax and \$1.50 postage and handling.

### PREPAYMENT REQUIRED

Merchandise may be returned at \$1.50 restocking charge, if it is in resalable condition.

NOTE: *State Register* and other subscriptions do not require sales tax or postage and handling fees. Prices subject to change without notice.

Please allow about 6 weeks for delivery. In a hurry? Stop by our Bookstore. Bookstore Hours 8:00-4:30 M-F.

Send your order to:

### Minnesota's Bookstore

117 University Ave., St. Paul, MN 55155

Metro area 612-297-3000

In Minnesota, toll free 1-800-652-9747

Code No.	Quantity	Description	Item Price	Total
Name or Company			Subtotal	
Attention			Plus 6% tax MN Residents Only	
Address				
City	State	Zip	Postage/Handling (per order)	\$1.50
VISA/MasterCard No.			TOTAL	
Signature		Expiration Date	Telephone (During Day)	

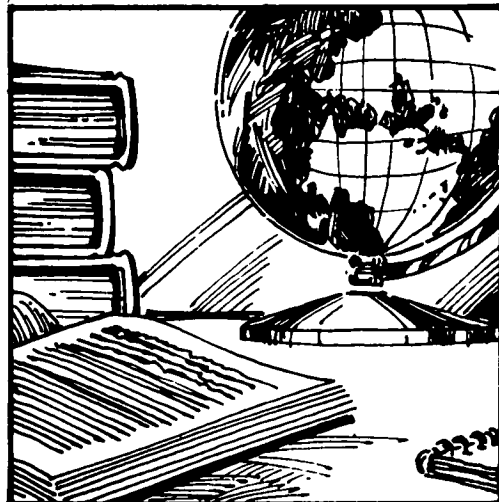
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## Get Smart with these Education Resources

**Board of Teaching-Licensure Rules 1987. Minnesota Rules Chapter 8700.** Requirements for the issuance and renewal of all licenses, from vo-tech and hearing impaired to librarians and media generalists. Includes the Code of Ethics for Minnesota Teachers, and standards for teachers prepared in other states. Code #3-74, \$7.00 plus tax.

**Education Directory 1988-89.** All the elementary and secondary schools in the state. Includes Minnesota school districts, superintendents, boards, principals, district addresses, phone numbers and enrollment figures. Code #1-93, \$7.00 plus tax.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. *Prices are subject to change.*



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## Good Business Decisions are Made with Good Information

**Minnesota Manufacturer's Directory.** More than 7,000 entries that include name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$76.50 plus tax.

**Business and NonProfit Corporation Act 1988.** A handy reference that contains all the state laws governing the establishment and conduct of corporations in Minnesota. Includes *Minnesota Statutes* Chapters 80B, 302, 302A and 317. Code #2-87, \$11.00 plus tax.

**Minnesota Guidebook to State Agency Services 1987-1990.** Packed with information to help you cut through red tape for easy and fast dealing with state agencies, this treasure of information opens state government to you. Its 640 pages describe agencies, how they work, listing contacts, addresses, phones, and license requirements, grants, forms, reports, maps, publications and much more. Gives historical, statistical and important data useful in hundreds of ways. Code #1-4, \$15.00 plus tax.



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## Resolve Bargaining Disputes and Grievances

**Public Employment Labor Relations Act 1987.** The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90, \$5.00 plus tax.

**Public Sector Labor Relations in Minnesota.** A practical resource and training guide analyzing public sector labor relations in Minnesota. A special emphasis on contract administration, grievance handling and the arbitration process. 286 pages, paperbound. Code #10-51, \$12.50.

**Minnesota Guidebook to State Agency Services 1987-1990.** A treasure of helpful, useful, and interesting information about Minnesota state government. This important resource guides you through applications, fees, licenses, reports, history and travel highlights. Describes agencies in detail, giving addresses, phones and contact people. Code #1-4, \$15.00 plus tax.



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## A Wise Investment—the rules of the game

**Securities Laws, 1987.** Governs the activities of broker/dealers, agents and investment advisors. *Minnesota Statutes* Chapter 80A. Code #2-12, \$6.00 plus tax.

**Securities Rules, 1988.** Rules implementing the legislative mandate. Subjects include equity securities and investment companies. *Minnesota Rules* Chapter 2875. Code #3-5, \$14.00 plus tax.

**Minnesota Guidebook to State Agency Services, 1987-1990.** Packed with information to help you, this 640-page resource guides you through license requirements, forms, fees, reports, services, grants, and more. Its listing of addresses, phones, and agency descriptions cut red tape for easy and fast service from state agencies. Code #1-4, \$15.00 plus tax.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



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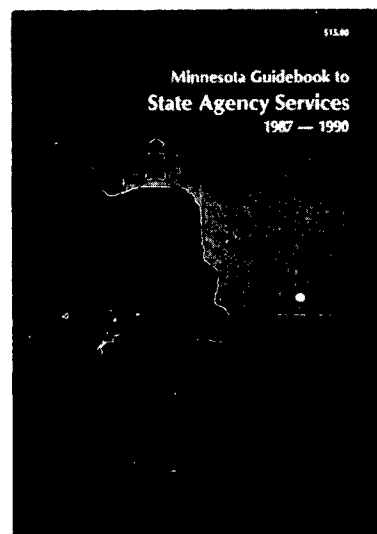
## A Beacon to Guide You—Minnesota's Owners Manual

You'll enjoy smooth sailing through your business with state government with the *Minnesota Guidebook to State Agency Services 1987-1990*.

Considered one of the finest resources to Minnesota's state agencies, this valuable and useful book is a treasure awaiting your discovery.

Packed with information to help you, its 640 pages guide you through license requirements, forms, fees, reports, services, grants, hotlines, maps, history, travel highlights and more. Its listing of addresses, phones, and agency descriptions cuts red tape so you get easy and fast service.

Copies cost \$15.00 (+90¢ tax, MN residents only). Make checks out to the "State of Minnesota" and send to the Print Communications Division, 117 University Avenue, St. Paul, MN 55155. MasterCard and VISA orders can be taken over the phone by calling (612) 297-3000 or toll-free in Minnesota 1-800-652-9747.



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## Welcome wildlife to your property

**Landscaping for Wildlife.** Attract wildlife to your land and gardens, farms and woodlots by spreading nature's welcome mat. Songbirds, butterflies, hummingbirds, pheasants, deer and other wildlife are drawn through these gardening tips and landscaping techniques that add natural beauty to your property and habitat for wildlife. Over 70 color photos and 144 pages give you simple, enjoyable, and inexpensive methods for adding the right touches for a "wildlife party" on your grounds, whether urban or rural. Stock #9-15, \$6.95 plus tax.

**Woodworking for Wildlife.** Songbirds, owls, ducks, geese, loons and other wildlife will show appreciation for your skills by adding a "wild" dimension to your property. Carefully illustrated with a variety of game bird and mammal box designs, this booklet provides important tips on the placement of nest in proper habitat areas and maintenance requirements. Construction diagrams included. 47 pp. Stock #9-14, \$3.95 plus tax.

**Wildlife Set.** Order both books above as a set and save 10%. Stock #9-20, \$9.95 plus tax.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



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## Getaway in Style

**Room at the Inn Wisconsin.** Includes hard-to-find lodgings in out-of-the-way places, as well as in Wisconsin's major metropolitan areas and most popular vacation destinations. 224pp. Stock #19-3. \$9.95 plus tax.

**Room at the Inn Minnesota.** Looking for a weekday or weekend get-away? For a business meeting or simply pleasure? This is the only guide to more than 50 historic "Bed & Breakfast" homes, hotels, and country inns and all are within a day's drive of the Twin Cities. 127pp. Stock #19-72, \$7.95 plus tax.

**Roughing It Elegantly.** A guide for the canoe camper visiting the BWCA, Voyageurs Park and Quetico Provincial Park. Full of practical tips and information: planning, organizing, packing, site location, and camp set-up. Simple, creative, enjoyable meals are a major feature. 159pp. Stock #9-3, \$9.95 plus tax.

**Guide to Wilderness Canoeing.** A unique blend of practical information and personal philosophy. Subjects covered include: spring and fall canoeing, traditional versus modern canoe design, and different paddling techniques. 143pp. Stock #19-81, \$6.95 plus tax.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



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## Geological Adventures in Minnesota



**Our Minnesota.** More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$12.95 plus tax.

**Minnesota's Geology.** The fascinating story of Minnesota's geologic development, from early Precambrian to Quaternary Periods and the state's mineral resources. Stock #19-80. \$18.95 plus tax.

**Historic Sites and Place Names of Minnesota's North Shore.** John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11. \$3.50 plus tax.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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## Reach Minnesota's health care field decision makers

### Health Care Facilities Directory 1988

A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Stock No. 1-89. \$16.00.

### Mailing Lists of Health Care Professionals Licensed by the State of Minnesota Now Available

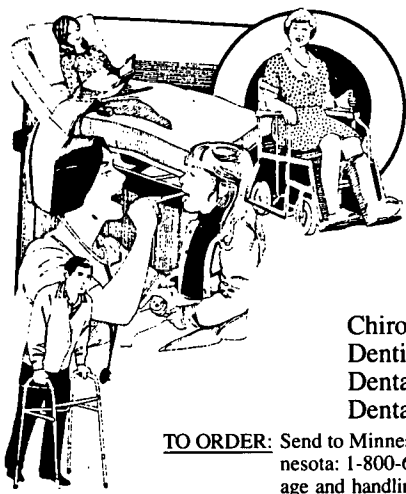
Call 297-2552 for more information or write to the address below for your free mailing list service packet.

Chiropractors  
Dentists  
Dental Assistants  
Dental Hygienists

Medical Corporations (Clinics)  
Registered Nurses  
Licensed Practical Nurses  
Pharmacies

Pharmacists  
Physical Therapists  
Physicians  
Veterinarians

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



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## Minnesota's North Shore

**Historic Sites and Place Names of Minnesota North Shore.** Stories recounted by a retired DNR Forester about the North Shore's timbermen, pioneer settlers, commercial fishermen, and others who knew the area first hand. Stock #9-11. 35pp. \$3.50 + tax.

**Up North.** A memorable collection of essays and stories that capture the mystic moods, seasonal subtleties and colorful characters that fill the landscape up north. Stock #19-16. \$14.95 + tax.

**A Family Guide to Minnesota's North Shore.** The 150 miles from Duluth to the Canadian border offer travelers wilderness experiences, places of historic significance, and visions of astonishing beauty. Stock #19-84. \$3.95 + tax.

**Boundary Waters.** Almost 100 pages of beautiful color photographs of Minnesota's canoe country, by Jerry Stebbins with rich text by Greg Breining. Stock #19-69. \$24.99 + tax.

**Minnesota II.** Colorful photographs showing the lyrical balance between country and city, land and water, inhabited by 4.2 million people across 84,000 square miles. A delight for the eyes, with photos by Richard Hamilton Smith and text by Richard A. Coffey. Stock #19-30. \$32.50 + tax.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



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## Guides for Small Businesses

These helpful guides are designed to achieve a practical balance between basic theory and day-to-day business practices. Continuing self-education is important for small business owners in an ever changing business world, and these do just that in "shirt sleeves" fashion and in language the small company can use to translate ideas into decisions and actions.

**Starting and Managing a Small Business of Your Own.** Stock #16-40. \$4.75 + tax.

**Guides for Profit Planning.** Stock #16-41. \$4.50 + tax.

**A Handbook of Small Business Finance.** Stock #16-42. \$2.00 + tax.

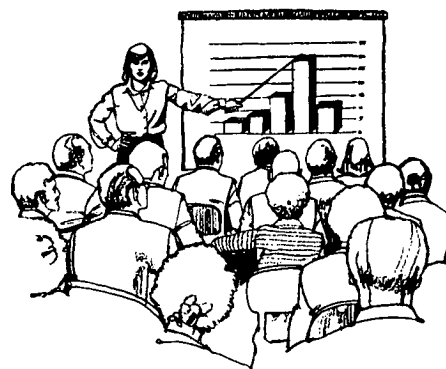
**Starting and Managing a Small Service Business.** Stock #16-48. \$2.00 + tax.

**U.S. Government Purchasing and Sales Directory.** Lists products and services bought by the military departments and civilian agencies. 191 pages, Stock #16-35, \$5.50 + tax.

**For Women: Managing Your Own Business.** 230 pages, Stock #16-14, \$6.50 + tax.

**Managing for Profits.** Stock #16-68, \$5.50 + tax.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



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## River Stories That Warm Your Heart

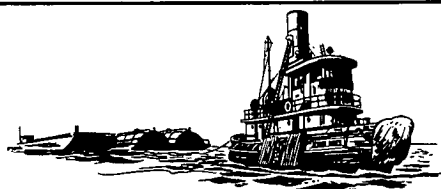
**A Stretch on the River.** 1950 novel about the son of a wealthy family who goes to work on a Mississippi River towboat to avoid being drafted. With power, gusto and humor, author Richard Bissel creates an energetic, rowdy, and delightful account of a typical trip up the river, accurately re-creating a colorful era of towboating on America's major waterway. Stock #17-6, \$8.95 plus tax.

**High Water.** During the worst flood on the Mississippi River anyone can remember, the mate of a towboat has his hands full on a perilous trip, working with an unhappy crew, an angry captain, and too many barges to push against too much river. A 1954 Richard Bissel novel reveals the drama, humor and charm of working on the river. Stock #17-8. \$8.95 plus tax.

**Old Times on the Mississippi River.** George Merrick's lively, loving, and humorous reminiscences of his steamboat life from the bottom up, as a pantry boy, apprentice engineer, second clerk, and "cub" pilot. First published in 1909, he describes steamboat operations—from machinery and personnel to the economics of the business—with vivid examples and rich detail. 323 pp. includes appendices and index. Stock #17-45. \$8.95 plus tax.

**Canoeing with the Cree.** Minnesota's distinguished newsman, Eric Sevareid, wrote his first book in 1935 about a canoe journey he and a classmate made to Hudson Bay. The classic recounts their trip on the Mississippi, Minnesota and Red River of the North Rivers into Lake Winnipeg, and then God's River to Hudson Bay. 209 pp. includes index, maps and photos. Stock #17-14. \$6.95 plus tax.

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## Looking at Market Expansion?

***A Basic Guide to Exporting.*** Step-by-step look at developing a profitable international trade, this book reveals export strategy and advice, market research, channels of distribution, making contacts, selling overseas, pricing and terms, financing the sale, export regulations, customs benefits, tax incentives, shipping and documentation, after sales service, and getting paid. Includes 10 appendices and an index. 148pp. Stock #16-69. \$8.50 + tax.

***Minnesota: State Statistical and Economic Abstract.*** This helpful fact book by the U.S. Dept. of Commerce catalogs statistical data on population and households, labor market and human resources, economic overview, construction, manufacturing, international trade, personal income, government, high technology, state rankings in the U.S., telecommunication, information resources, travel and tourism, climate overview and geodetic service. 119pp. Stock #16-8. \$12.00 + tax.



**TO ORDER:** Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155, (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax and \$1.50 postage and handling. Prepayment required. Please include daytime phone. Visa/MasterCard orders accepted over phone.

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## Minnesota: national leader in education

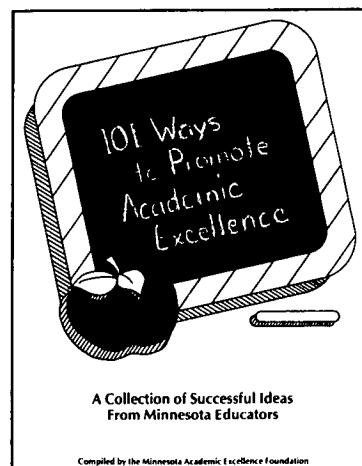
### 101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

### Education Directory, 1988-89

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, \$7.00.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



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## MAILING LISTS GALORE

### Successful business means successful sales

The Print Communications Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, 9-track magnetic tapes, and now diskettes for minimum orders.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list service packet. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Print Communications Division, Mailing List Service, 117 University Avenue, St. Paul, MN 55155.

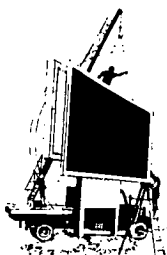
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# Minnesota Manufacturer's Directory 1988-89

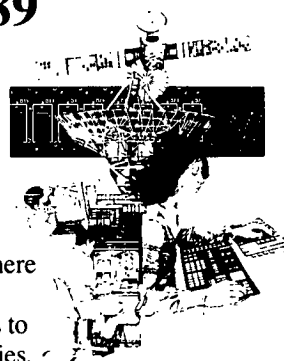


**UPDATED:** Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$76.50.

**NEW:** In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



**REVISED:** There are more than 7,000 changes to the 7,068 entries.



**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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## Voices of the Loon

Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

**Voices of the Loon**, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, \$12.00.

**The Loon: Voice of the Wilderness**, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$15.95.

**Loon Calendar 1988**, beautiful photographs and scenes. Code #15-40, \$6.95.

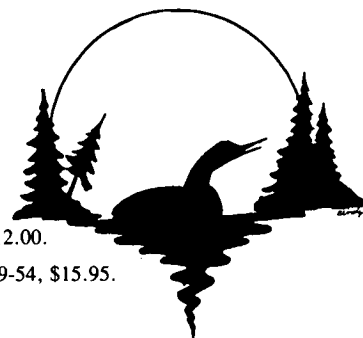
**Loon Lapel Pin**. Code #15-30, \$2.49.

**Loon Windsock**, 56 inches long in full color. Code #15-29, \$19.95.

**Loon Nature Print**, full-color poster 16" x 22", Code #15-18, \$3.00.

**Loon with Baby**-poster, 16" x 20". Code #15-48, \$3.00.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



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## Minnesota's future environment

The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

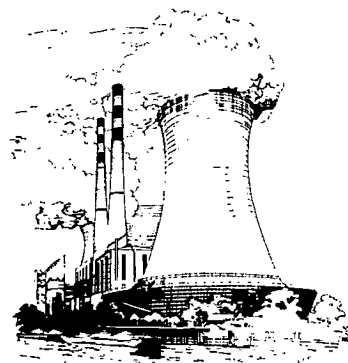
### 1988 Pollution Control Laws

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